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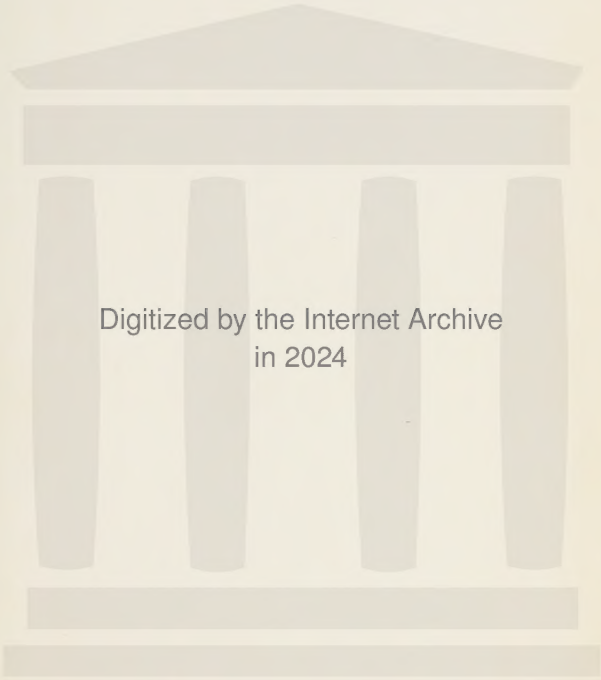
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THESES
IN
GENERAL ETHICS

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These *Theses in General Ethics* have been compiled with an eye always fixed on Fr. Timothy Brosnahan's *Digests of Lectures on Ethics*. As the author of this valuable work stated in his foreword, "digests are necessarily concise" since "they are merely a collection of summary analyses of lectures." Because of this conciseness the *Digests* have not been found well suited for classroom use except in the case of advanced students of Ethics. At the same time the author's established reputation for accuracy of expression, together with his method of approach to his subject, his consistency of terminology, his clean-cut definitions and cogent argumentation, commend the *Digests* to many as a particularly satisfactory basis on which to construct a text that may meet the needs of our college classes.

The present pages contain an attempt to advance at least a few steps in this constructive task. They aim at presenting in traditional scholastic form the field of General Ethics as outlined in the *Digests* and as covered in detail by other scholastic writers on the subject. In pursuit of this aim, the present compilers have for several years past added to the outline whatever material seemed to fit in with their purpose, whether it was the outcome of their own thought and discussion or found in any of their readings.

In putting this material into something of a more permanent form than it has hitherto had, they are well aware that much of it has been borrowed,—either verbatim in whole paragraphs or sections, or in a form abbreviated, modified and rearranged to suit the order of presentation and terminology of the whole,—from the standard authors in the field of Ethics or from the manuscript or mimeographed "notes" of fellow-professors. The obvious impossibility of giving credit, except in a very general way, to the different sources drawn upon is the plea advanced to excuse the failure to do so in the following pages.

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I. ETHICS AND ITS OBJECT

THESIS 1

Ethics is a normative science, based on reason, which interprets a specific and paramount fact, the elements of which are conduct and oughtness.

INTRODUCTION

Every department of thought presupposes some distinctive fact or aggregate of facts which it reduces to a common category and undertakes to explain. In the case of Ethics, this fact is a fact of our daily experience. It is this:

There is an intellectual impulse found in all men, to judge that there is a difference between right and wrong in man's actions and that in consequence there are some actions which man ought not to perform, some which he ought to perform, some which he may perform or omit just as he pleases.

EXPOSITION

SPECIFIC: This fact is called specific for the following reasons:

1. This intellectual impulse is found in man **alone.**
2. This intellectual impulse is found in man precisely because of the **specifically** differentiating attribute of his nature, namely, rationality.
3. This intellectual impulse it is which makes **man alone a responsible** agent, worthy, because of his actions, of praise or blame.

PARAMOUNT: This fact is called paramount for the following reasons:

1. The judgment in question is **supreme,** in this sense, that it attributes or denies to man's actions that worth or value which is considered the highest or supreme worth. Man's judgments regarding the right or wrong, lawfulness or unlawfulness of his actions are, theoretically at least, held of more importance than his judgment regarding the economic, social or political worth of the same actions.

2. The judgment in question is **universal**, i.e., applicable and in fact applied, however erroneously at times, to all actions for which men feel they are responsible.
3. The judgment in question is the outstanding characteristic of the race, i.e., this impulse to attribute or deny supreme worth to certain actions is so deep-seated in man's nature that it gives rise to what may be called **the customary** judgment of the race. The **customary** and uniform **ways of acting**, which in turn arise from this **customary** judgment, may also be rightly called **the customary ways of acting of the race.** Hence it is that the name ETHICAL (from the Greek *Ethos*—a customary or characteristic way of acting) or MORAL (from the Latin *mos*) has, by historical usage, come to be applied both to this judgment and the consequent ways of acting.

ELEMENTS of the fact are the general subject-matter embraced in this fact and the special view-point under which this subject-matter is considered. Technically, therefore, they are the Material and Formal Objects of the science which deals with this fact. (Cf. Theses 2 and 6.)

CONDUCT: Actions which we are conscious are under our control and for which we are responsible. Such are actions which proceed from the will with a knowledge of the end and subsequent to deliberation. (Cf. Thesis 2.)

OUGHTNESS: A necessity less than that of a physical cause and more than that which arises from expediency or propriety. It is a necessity which man understands as absolute and peremptory, though not physically compelling, of putting his conduct into accord with a standard of right. It is a necessity recognized by man's reason as a dictate, absolute and authoritative, yet not destructive of man's physical power to obey or disobey. This necessity, therefore, leaves man an agent responsible for his actions. (Cf. Thesis 6.)

SCIENCE: Any body of truths, whether phenomenal or rational, co-ordinated under principles by which they are explained and methodically formulated into a system. Or briefly, a systematized body of truths with a proper subject-matter and a particular view-point.

NORMATIVE: Sciences either investigate the nature of things primarily for the sake of knowing and are called

SPECULATIVE, or estimate meaning and value of things in their bearings on action and are called PRACTICAL.

PRACTICAL sciences are either **factual** or **normative.**

Factual, if they establish principles for the direction of actions that look to the accomplishment of something outside of man's own nature.

Normative, if they establish norms for the regulation and direction of human actions to the accomplishment of something that will perfect the very nature of man.

E.g., Logic establishes the norms and laws of correct thinking, which is a perfection of man's intellect. Logic does not tell you that you will think correctly, but gives the guidance that must be followed for correct thinking.

Therefore, to say that Ethics is a **Normative Science** is to say that Ethics determines the principles by which conduct (the free actions of man) ought to be regulated for the accomplishment of a perfection proper to man's own will.

BASED ON REASON: i.e., all the proofs of this science must find their source in the natural light of reason. Hence, we first of all exclude Divine Revelation and human authority as foundation for our proofs. Secondly, we maintain that the science of Ethics is not a merely empirical science with all principles inductively inferred from experience.

INTERPRETS: This specific paramount fact presupposed, it is, we say, the work of Ethics to investigate the fact, analyze it, discover all its implications, examine the grounds on which the ethical judgment is based and draw from it whatever practical conclusions as to particular actions we legitimately can.

PROOFS

Part I. ETHICS IS A SCIENCE.

A body of systematized truths is a science.

But Ethics is a body of systematized truths. *Therefore.*

Major: A definition.

Minor: Will be proved true in the course of the study of the following theses.

Part II. ETHICS IS A NORMATIVE SCIENCE.

A normative science establishes norms, etc., as in definition above.

But Ethics established such norms. *Therefore.*

Major: A definition.

Minor: Will become evident in course of study.

Part III. SCIENCE OF ETHICS IS BASED ON REASON.

The science of Ethics is based on authority, human or divine, or on experience or on reason.

But not on authority nor on experience. *Therefore.*

Major: A complete division of the possible sources of ethical knowledge.

Minor: 1) Not on authority—for we deliberately reject authority as a source of our proofs, and nowhere in the following theses will authority be invoked as a proof.

2) Not on experience—for the ethical fact is that men have an impulse to judge that "One ought to do right"; but, as we shall see, there is no logical device by which the validity and authority of such a principle can be deduced from experience. The imperatives of empirical sciences of conduct are, unlike this imperative, at best optatives, conditional and contingent.

Part IV. ELEMENTS OF THE FACT ARE CONDUCT AND OUGHTNESS.

If the subject-matter of our ethical judgment is **responsible actions** and **only** responsible actions, and if the special aspect under which we view responsible actions is **oughtness,** then the elements of the fact are conduct and oughtness.

But. Therefore.

THESIS 2

The material object of Ethics is conduct or volitional action.

INTRODUCTION

We have seen in the first thesis that the actions about which man is impelled to judge the presence or absence of supreme worth are all those actions and only those actions which he is conscious are under his control and for which he feels he is responsible. These actions, in consequence, form the subject-matter of the ethical judgment and so constitute what is technically known as the material object of the science of ethics.

The purpose of the present thesis is to examine more intimately into the nature of these actions to which the name, **conduct,** has been universally applied.

EXPOSITION

MATERIAL OBJECT is that with which a science is concerned; for example, the material object of the Science of Geography is the earth.

Material Object is contrasted in any given science with the **Formal** Object of the same science. Of the formal object of Ethics we shall treat in Thesis 6.

CONDUCT: To arrive at a definition of what we understand by Conduct, we make the following division of the actions which man can perform:

INVOLUNTARY: Action which **does not proceed** the will, as a principle.

AUTOMATIC (Violent): Action which proceeds from a principle or a cause **extrinsic** to agent, v.g., a man moving because forcibly shoved by another.

SPONTANEOUS: Action which proceeds from a principle **intrinsic** to agent, but is performed without being caused by any **intellectual** knowledge in the agent, v.g., all the actions of sensitive life.

N.B.—Such actions, when performed by man, may be **accompanied** by intellectual knowledge, not only of the action, but of the purpose of the action, as when a man who is wide-awake rapidly draws away his hand from a fire, but so long as the action is not caused by such knowledge, it is not strictly voluntary, but what we call instinctive. It is NOT **CONSCIOUSLY** ADJUSTED TO AN END. (Cf. infra, definitions of volitional action.)

VOLUNTARY: Action which **does proceed** from the will as a principle.

From Psychology we know that no action can proceed from the will unless in some way preceded by and accompanied with intellectual knowledge as a **final** cause of said action. As this intellectual knowledge may be more or less perfect, the voluntary action caused by it may be—

NECESSARY: Action which is performed by the will with compelling necessity, because, given that previous intellectual knowledge, the will has not the power to refrain from action.

FREE: Action which is performed by will in such a way that, given that previous intellectual knowledge and all other conditions necessary for action, it could have equally well been omitted, i.e., it was within the **physical power** of the will at the moment prior to this action to determine itself either to this action or some other or no action.

Now it is these **voluntary free actions,** and only these, which form the subject-matter or material object of Ethics, for it is only these which man is conscious are under his control and for which, in consequence, he feels responsible.

That man has the power to perform such **free** actions is a **Postulate** of our Ethics from the Science of Psychology.

N.B.—**A Postulate** is a premise which a given science claims as valid without demonstrating it; not because it cannot be demonstrated, but because the demonstration of it belongs to a science other than that which uses it. *It is not a mere hypothesis.*

To these voluntary free actions are given different names, all of which emphasize some particular element or feature of them, but all of which in reality signify the same kind of action. Thus:

1) They are called simply FREE actions because of the all-important element of freedom which enters into them;
2) They are called HUMAN actions because, bringing into play intelligence and free will, the faculties which **characterize** man as a **human** being, they are **distinctively** HUMAN actions;
3) They are called MORAL actions because, being distinctively human, they constitute man's Customary (*mos-moris*) way of acting; (Cf. Thesis 12.)
4) They are called VOLITIONAL actions because they are the actions which are under complete control of the WILL and are the most perfect manifestations of the will's highest power of self-determination. They, therefore, have the most of the **VOLO** in them.

IN OUR TREATMENT OF ETHICS WE WILL USE THE TERM **VOLITIONAL** TO DESIGNATE THESE ACTIONS WHICH FORM THE SUBJECT-MATTER OF OUR SCIENCE.

It is most important to distinguish clearly between the **VOLITIONAL** act and the **merely voluntary and necessary** act. To do so, recall what was said above, namely, that this very division of voluntary acts into necessary and free is the result of the difference in the preceding acts of intellectual knowledge. When the intellect, by an imperfect, though not positively incorrect, judgment, presents to the will an object or line of action as altogether desirable, then the will **must necessarily** tend to embrace the object, for "the desirable" or "the good" is the will's **proper object.** But such an act of the will going out towards an object thus presented is an act in which there was no possibility of a choice, since there were not two things to choose between. Only one thing—one desirability or good—had been offered and the will by its nature cannot choose what is not offered under **at least the appearance** of "the desirable" or "the good."

When, on the other hand, the intellect by a more perfect apprehension of the real nature of created goods and of possible lines of action represents the same to the will as partly

desirable and partly undesirable, then the will has at the same moment its proper object held out to it in two or more different actions or lines of action. In such a case, there is an opportunity for a choice, and before a choice is made there must be a process of weighing on the part of the intellect of the different goods presented. This process is called DELIBERATION, and so the **free** act of the will which follows upon this process is also called a DELIBERATE act of the will. Therefore, the INDELIBERATE acts of the will are NECESSARY acts and may be called MERELY VOLUNTARY. The DELIBERATE acts are not merely voluntary, but also FREE acts and are called VOLITIONAL.

Hence, the following definitions of volitional actions should also be clear:

"That which proceeds from deliberate will."

"That which is done under the control of reason and will."

"That which springs from motive and is consciously adjusted to an end." (**Consciously** because following upon the deliberation of the intellect, the will freely chooses this action for the precise reason that it is known (*con-scio*) to be fitted or adjusted to the end which here and now the will wants.)

THE FOLLOWING DIVISIONS OF VOLITIONAL ACTIONS ARE OF IMPORTANCE:

I. **ELICITED** volitional act is one performed solely by the will, v.g., act of love or hatred.

COMMANDED volitional act is one that is performed by some other power under the command of the will, v.g., walking.

Regarding these two classes of volitional actions, the following paragraphs—adapted from Cronin's *Science of Ethics*, vol. 1, chap. 2—gives the concepts necessary for our present study. For fuller treatment of the subject, consult Maher's *Psychology*.

ELICITED acts of the will are wish, intention, consent, election, use and fruition.

Wish means simply the love of, or inclination of the will to, anything. It precedes all other acts of will.

Intention is a movement of the will to the gaining of an end through certain means. Formally, however, it appertains to the end, not to the means. It differs from wish because a man might wish to do a thing and still not form the intention of doing it.

Consent is a movement of the will to the taking of such means as are necessary to the end.

Election is a movement towards or adhesion of the will to some particular one of the many means possible. Election is preceded by the intellectual act of counsel.

Use is that act by which the will directs and moves the other faculties to realize the particular means chosen by the will.

Fruition is the enjoyment of the end attained.

Of these elicited acts of the will, three appertain to the end, namely, wish, intention and fruition. The other three appertain to the means.

COMMANDED acts of the will are divided into two main classes, viz., internal and external.

An **internal** act is one that involves the use of the internal mental powers only, like remembering and reasoning.

An **external** act is one that involves the use of the bodily powers also, for instance, the acts of the outer senses and the various bodily movements.

The will can command the intellect, the imagination, the memory, the external senses, the power of locomotion, etc. Hence, the action of all these powers become volitional actions **in so far as** they are done under the control and at the command of the human will.

II. **DIRECT** volitional act (volitional IN SELF)—as distinguished from Indirect (in cause or in another)—is that which is directly and immediately THE volitional act.

INDIRECT volitional act (volitional IN CAUSE, or in another) as distinguished from Direct (in self)—is the effect, **in some way foreseen,** of an act volitional in itself. It is, therefore, only **indirectly** and **mediately** a volitional act.

> N.B.—It is clear that the effect which is said to be an INDIRECT volitional act must be in some way foreseen by the agent of the direct volitional act, since without at least this foresight the knowledge required in every volitional act is in **no way** present, and so this effect can in **no way** be said to be volitional (willed by agent).

This second division of volitional actions will be seen to be of very great importance in the course of the study of Ethics. For in every-day experience it frequently happens that men foresee that from their actions—directly and deliberately chosen (direct volitional acts)—will follow consequences that they do not wish or intend, rather often regret because, for example, these consequences are harmful to others. In such cases, since Ethics deals with the good and bad, the lawful and unlawful, in man's actions, these questions must be asked and answered:

"Is this agent responsible for these consequences?"

"Is it unlawful for the agent to place the action from which these harmful consequences follow?"

The problem, here suggested, will be given proper treatment in the thesis in Special Ethics, which deals with the action of so-called indirect killing of self. In that thesis the problem presents itself for the first time in the logical course of our study of different volitional actions in particular. Even here, however, it may be profitable merely to enumerate the conditions which ethicists claim must be fulfilled in order to make lawful the placing of an action from which the agent foresees some evil is going to result. They are as follows:

1) The cause from which the evil effect follows must be in itself good or at least indifferent.
2) Besides the evil effect, another and good effect must result and result with equal immediacy. The good effect must never be produced by means of the evil effect, for we are never allowed to do evil that good may come therefrom.

3) There must be a sufficient reason for permitting the evil effect. The good intended must at least equal the evil resulting.
4) The evil effect must merely be permitted, not intended or approved.

The following practical "cases," suggesting questions of right or wrong, will afford opportunity for interesting application of the above principles:

1. During the Great War, an American aviator was sent to destroy a German ammunition camp. When he reached the exact position and was about to release the bomb, he noticed that a number of women and children were near the station. The explosion would probably kill the entire group. The aviator knew that the destruction of the ammunition was necessary for an important attack which his comrades were to make on the following day. Was he justified in releasing the bomb?—Coppens, *Moral Philosophy,* p. 35.

2. A member of an exploring expedition in the Antarctic regions was confronted with the following difficulty: The four members of the party were being dragged along by a pack of dogs. After a while it became evident that the dogs were not strong enough to drag the four men. Considering the difficulty, Jones, a member of the party, decided to leave the party. This would probably enable the other three to reach safety. To remain meant certain death for all. Jones' departure meant death for himself, but salvation and life for the others. Jones bade his companions good-bye, and left. He was never heard from after that. Was Jones justified in taking this course of action?—Coppens, *Moral Philosophy,* p. 35.

3. During the year 1928, many aviators attempted flights across the ocean. A large proportion of these aviators were lost. Were these aviators justified in thus risking their lives?

4. In a shipwreck, four men were clinging to a raft. The raft was not able to support all four, but probably would support three. Smith, in order to save the other three, let go of the raft and was drowned. Was he justified?—St. Thomas, Disp. 29, a. 15, ad. 3, cf. Noldin, *Theologia Moralis.*

5. Dr. A was confronted with the following case: A patient, Mrs. Smith, an expectant mother, was discovered to be suffering from a growth. To operate and remove the growth would involve the death of the unborn child. Not to operate

would involve both the death of mother and child. Although the death of the child would result from the operation, the immediate effect of the operation would be the removal of the diseased organs, and the probable cure of the mother. What should be done in a case like this? What course of action should be adopted if the operation tended to the death of the child directly?

PROOF

Material objects of Ethics is that subject-matter with which Ethics as a science deals.

But Ethics as a science deals with volitional action. *Therefore.*

Major: is clear from definition of material object.

Minor proved: From first thesis it is clear that Ethics deals with the fact that man is impelled to form certain judgments with regard to certain classes of actions. Upon analysis and reflection, we see clearly that it is with regard to only free actions that he experiences this impulse, and free actions are what we have described above as VOLITIONAL and what men commonly designate as CONDUCT. Therefore, Ethics deals with Conduct or Volitional Action.

THESIS 3

Concupiscence diminishes and may even destroy the freedom of an action performed under its influence. However, when freely stimulated by man's own will, it makes those actions, if foreseen, indirectly volitional.

INTRODUCTION

We have thus far determined what it is that makes an action volitional and thus brings it within the sphere or material object of Ethics. It is of great practical importance to examine how far the volitional character of man's actions is modified or affected by the circumstances in which he acts. Since, as we have seen, there are two elements in a volitional act, namely, its dependence upon the will as the principle which elicits it and its dependence upon intellectual knowledge as a necessary pre-requisite, it follows that whatever can affect or modify either the **inclination of the will** itself or the **intellectual knowledge** of the agent at the moment of the action must also affect or modify the volitional character of the action.

The **inclination of the will** may be affected at any given moment by the movements of man's sensitive appetites towards their proper objects. These movements are called **Passions** and may be defined as "Movements of irrational part of soul, attended by a notable alteration of body, on the apprehension of good or evil."

Intellectual knowledge may be affected by the varying degrees of said knowledge or absence of knowledge. Absence of knowledge is called **ignorance.**

Hence, we must discuss the effect upon volitional action of Passions and Ignorance.

An adequate treatment of the subject of the Passions, especially in their relation to conduct, is of great importance in itself, but it is not in place to give such a treatment here. (Cf. Rickaby, *Moral Philosophy,* Part 1, Chap. 4; Woods, *First Book in Ethics,* Chap. 2, and other standard works on Psychology and Ethics.) Neither is it necessary to defend or even explain any special division of the Passions, as different divisions are given by different authors.

For our present purpose they have been conveniently divided into two grand classes, namely, those which seek for the good or fitting (proper object of the appetite) and those which shrink from the evil or unfitting (not proper object of the appetite). The first class may be called by the general name CONCUPISCENCE (not to be altogether identified with the CONCUPISCIBLE AS OPPOSED TO IRASCIBLE) and the second class by the general name of FEAR.

Hence, the reason of the sequence of the present and two following theses, dealing respectively with the subject of Concupiscence, Fear and Ignorance and the influence of these on man's volitional actions.

EXPOSITION

CONCUPISCENCE is the tendency of a sensitive appetite towards sensible pleasure.

CONCUPISCENCE may be stimulated by a free act of the will, as when a man deliberately broods over an insult received in order to stir himself up to a desire for revenge, or when a soldier, on entering a battle, deliberately excites in his imagination a picture of his triumphant return home to his family after victory in order to strengthen his resolution to be faithful to the hard duty then pressing upon him.

CONCUPISCENCE may be stimulated independently of the free act of the will, as when at a proffered insult a man experiences a sudden rise of anger, or when the sights and sounds of battle excite in the soldier the military ardor which helps him in the discharge of his duties.

PROOFS

Part I. CONCUPISCENCE DIMINISHES FREEDOM OF ACTION.

That which increases the inclination of the will towards an object and at the same time makes calm intellectual deliberation more difficult, diminishes the freedom of the action performed under its influence.

But Concupiscence increases, etc. *Therefore.*

Major: Freedom is the power which the will has to **determine itself,** after intellectual deliberation, to choose either of two alternatives, both of which are presented

to it in such a way that it is in some way drawn or inclined to them. Therefore, anything that makes one of these alternatives exert a stronger "pull" on the will, so that it is the more forcibly drawn or inclined thereby to it, clearly makes the exercise of this power of self-determination or self-determined (free) choice more difficult. Moreover, anything that disturbs the intellectual deliberation between the alternatives will necessarily make the exercise of this same power of choice less hampered and so less free.

Minor: Concupiscence is the tendency of the sensitive appetite towards sensible pleasure.

But it is clear that such a tendency—

1) must increase, at the moment when it is experienced, the inclination of the will towards that same pleasure and the object which is seen to afford said pleasure. For the will is so made that it must incline towards whatever is perceived to be desirable and such a pleasurable object, simply because it is pleasurable at least to one of man's faculties (sensitive appetite), is here and now perceived to be desirable;
2) must make calm intellectual deliberation more difficult, because this very increase in the sensitive attractiveness of one alternative makes it harder for man to judge, as we say, "dispassionately."

Part II. CONCUPISCENCE MAY DESTROY FREEDOM OF ACTION.

That which renders man incapable of reasoning destroys freedom of the action performed under its influence.

But Concupiscence may render a man incapable of reasoning.

Therefore.

Major: clear from the fact that freedom of action presupposes deliberation, that is, use of reason.

Minor: evident from history and admitted by everyone. It happens more commonly in the case of strong passions, such as love or anger, and with impressionable natures.

Part III. ACTIONS FORESEEN AS EFFECT OF CONCUPISCENCE, WHICH ITSELF IS FREELY STIMULATED BY MAN'S OWN WILL, ARE INDIRECTLY VOLITIONAL.

Actions foreseen as effect of direct volitional act are indirectly volitional.

But actions foreseen as effect of concupiscence, which itself is freely stimulated by man's own will, are actions foreseen as effect of a directly volitional act. *Therefore.*

Major: from definition of indirectly volitional act.

Minor: from idea of concupiscence freely stimulated by man's own will.

THESIS 4

Actions performed through fear are simply volitional, but they may be in a certain respect non-volitional.

EXPOSITION

FEAR is a dread felt because of the apprehension of some present danger.

Fear is **grave,** if felt at the apprehension of some serious danger.

Fear is **grave absolutely,** if felt at apprehension of danger **serious enough** to affect an ordinary courageous and constant man.

Fear is **grave relatively,** if felt at the apprehension of some danger which to **this person here and now** seems serious.

Fear is **slight, if** felt at apprehension of a danger not serious.

THROUGH fear: for there is not question of actions done **merely in** or **with,** but of actions done **in consequence of fear,** actions which would not be done were the will not induced to their performance **by** fear, actions, therefore, which can be properly said in some sense to be performed under compulsion.

N.B.—It is clear, however, that there can be no intention of discussing actions which are done under strict physical compulsion, for such are not even **voluntary,** nor actions done under the influence of such fear as deprives the agent, at the moment of action, of the use of reason and so of the power of deliberation, for such actions are evidently lacking in freedom and therefore not **volitional.**

To have a clear understanding of just what the two propositions of this thesis mean, it is necessary to make here a further analysis of the volitional act.

SIMPLY volitional act is an act to which the will here and now, in view of all the circumstances, definitely and **efficaciously** determines itself, either with or without an ac-

companying inefficacious, though actual, tendency away from this same act. Such inefficacious, though actual, tendency on the part of the will, is called a VELLEITY.

In other words, the volitional act may be either entirely and in every respect volitional or it may be only partially and in some respects volitional, in other respects and partially non-volitional. The examples given in the course of the following proofs will make this distinction clearer.

The meaning, therefore, of the thesis is that actions, performed through fear, are simply volitional actions, i.e., done with knowledge and freedom, even though they would not have been done were it not for the fear in question. At the same time, however, such actions may not always be, in fact usually are not, done except with an accompanying contrary velleity and are not therefore in every respect volitional, but with respect to that element, from which the will actually, though only inefficaciously, shrinks, they are non-volitional.

PROOFS

Part I. ACTIONS PERFORMED THROUGH FEAR ARE SIMPLY VOLITIONAL.

Actions which, under given circumstances, are done with knowledge and free will are simply volitional.
But actions performed through fear are, under the circumstances, done with knowledge and free will. *Therefore.*

Major: clear from definition and description of a simply volitional act.

Minor: clear from examples: A merchant, in a storm at sea, throws his cargo overboard. He knows fully what he is doing, and chooses to do it under the circumstances. He makes the sacrifice in order to avoid what he regards as a greater loss, the loss of his life. So, also, will one take a bitter medicine to avert a dangerous illness. In both cases there remains an aversion to the thing which is done—the throwing away of the goods and the taking of the medicine. Still both are simply volitional, as the person retains the power not to do them.

Part II. ACTIONS PERFORMED THROUGH FEAR MAY BE IN A CERTAIN RESPECT NON-VOLITIONAL.

Actions which are done reluctantly and with a certain amount of repugnance of the will, in other words, with a velleity to the contrary, are in a certain respect non-volitional.

But actions done through fear are such. *Therefore.*

Major: clear from description of what is meant by actions which, though simply volitional, are in some respects non-volitional.

Minor: for unless the danger were apprehended, these actions would not have been done; for example, the merchant, in a storm at sea, would not throw overboard his cargo unless he feared a greater loss, the loss of life. The act of throwing is therefore done with repugnance and a contrary velleity.

THESIS 5

What is done through invincible ignorance is not volitional. But what is done through vincible ignorance is volitional at least indirectly or in cause.

EXPOSITION

IGNORANCE is absence of knowledge in one who has the faculty of knowledge.

N.B.—Ignorance must not be confused with ERROR or MISTAKE, which is a false judgment concerning something.

IGNORANCE is **divided** with reference to the **object not known:**

Ignorance of **LAW** is absence of knowledge of the law's existence or of the law's comprehension of this particular case.

Ignorance of **FACT** is the absence of knowledge of either the substance or some circumstance of the thing wished or done.

For example: One who makes a contract with a demented person, not knowing that **by law** such a contract is invalid, acts in ignorance **of law.**

One who makes a contract with a demented person, not knowing that the person is demented, acts in ignorance **of fact.**

IGNORANCE is **divided** with reference to the subject **not knowing:**

Ignorance **INVINCIBLE** or unavoidable is absence of knowledge under such circumstances that the knowledge **cannot** be attained.

Ignorance **invincible physically** is absence of knowledge under such circumstances that the knowledge cannot be attained by **any** amount of care and diligent effort.

Ignorance **invincible morally** is absence of knowledge under such circumstances that the knowledge cannot be

attained by such amount of care and diligence as ordinarily prudent and good men would feel obliged to put forth in the circumstances.

Ignorance **VINCIBLE** or avoidable is absence of knowledge under such circumstances that the knowledge **can** be attained, and attained **without extraordinary effort.**

PROOFS

Part I. WHAT IS DONE THROUGH INVINCIBLE IGNORANCE IS NOT VOLITIONAL.

What is not and humanly speaking could not be known is not volitional.

But what is done through invincible ignorance is not and humanly speaking could not be known. *Therefore.*

Major: For knowledge is essential to the volitional. A thing cannot be willed except in so far as known. *"Nil volitum nisi praecognitum."*

Minor: From definition of invincible ignorance. It is important to note here that it is **only** that element or that consequence, of which the agent is in invincible ignorance that is said to be non-volitional. The same act may be in other respects volitional. To use an example employed by Poland, *Fundamental Ethics,* p. 12, "a person may drink poison, not knowing it to be poison. He knows that he is drinking, and he drinks of his free will. In so far, therefore, as the mere drinking is concerned, it must be said to be a volitional act. But he neither **knows** that he is drinking poison, nor does he **will** to drink poison. Hence, his **drinking poison** is not a volitional act. He knows and wills the **drinking,** but not the **drinking poison."**

Part II. WHAT IS DONE THROUGH VINCIBLE IGNORANCE IS VOLITIONAL AT LEAST INDIRECTLY OR IN CAUSE.

What is, humanly speaking, knowable, though here and now not actually known, is, if it results as an effect of what is deliberately done, volitional at least indirectly or in cause.

But what is done through vincible ignorance is, humanly speaking, knowable, though here and now not actually known. *Therefore.*

Major: That is volitional indirectly or in cause which is is an effect in some way foreseen of an act volitional in itself.

But what is, humanly speaking, knowable, though here and now not actually known, is, if it results from what is deliberately done, an effect in some way foreseen of an act volitional in itself. *Therefore.*

Major: a definition of indirect volitional.

Minor: That it is an effect of an act volitional in itself is clear from the supposition that it is something that results from what is deliberately done; that it is an effect in some way foreseen is clear from the supposition that it is **humanly knowable**; for it could not be humanly knowable unless, at the moment of acting, or at some previous time, the agent at least suspected that it might be effected by this action which he is deliberately performing.

Minor: Clear from definition of vincible ignorance.

Confirmation of Proof:

What is done through vincible ignorance, though not actually known here and now, nevertheless ought to have been known and in a certain manner is known **in the cause** voluntarily and freely put by us. Hence, we will the act at least indirectly, inasmuch as we will the ignorance of which the act is a necessary consequence—the act is voluntary in its cause, that is, in the voluntary ignorance that led to it. Moreover, when one adverts to his ignorance, and does not take such measures to correct it as the gravity of the case demands, he thereby voluntarily accepts the consequences that follow from the neglect of the care due to the gravity of the case.

"Suppose a man sets up as a surgeon, having made a very imperfect study of his art. He is aware that for want of knowledge and skill, he shall endanger many lives; still he neglects opportunities of making himself competent, and goes audaciously to work. If any harm comes of his bungling, he can plead intellectual error, an error of judgment for the time being; he did his best as well as he knew it. Doubtless he did, and in that he is unlike the malicious maker of mischief; still he has chosen lightly and recklessly to hazard a great evil. To that extent his will is bound to the evil; he has chosen it, as it were, at one remove."—Rickaby, *Moral Philosophy,* p. 28.

APPENDIX

The following tests will add to the interest of the principles considered in the three foregoing theses. Most of these cases are given in Coppens, *Moral Philosophy,* pp. 51-54.

1. During a Fourth of July celebration a thoughtless citizen, Mr. Jones, lit a giant fire-cracker and threw it into a dense crowd of people. It fell on Mr. Smith and was quickly tossed to Mr. Thomas, Mr. Henry, and Mr. Martin. It exploded, breaking the ear drums of the last and causing permanent deafness. At the trial which followed, Mr. Jones pleaded that he was ignorant of the dangerous nature of the giant fire-cracker and that he could not be held responsible for the accident to Mr. Martin since he did not throw the fire-cracker in the direction of that gentleman. Who was responsible for the injury done to Mr. Martin?

2. Miss Lucy, a stenographer, answered an advertisement and stated that she knew bookkeeping and accepted a position in a large store. After a few days she became aware that her work was wrong and that it would lead to a loss to the firm. Moreover, her want of knowledge was due to the fact that she had neglected the study of bookkeeping during her course. She continued to hold the position for some weeks until dismissed for incompetency. She was well able to pay the firm for the loss incurred by her carelessness, but argued with herself that she did not make the mistakes willingly. Was she responsible to the firm for the loss?

3. Edward, a young man, determined to rob a cash register, which he knew was usually left in a certain store after business hours. After forcing his way into the store, he found the money had been removed from the register. Moreover, he was frightened away by the footsteps of the night watchman. Since he did not steal anything, he tried to convince himself that he had committed no wrong.

4. Thomas, a young boy of fourteen, was ordered by his drunken father to steal ten dollars from a store. He was caught in the act and pleaded that he was not guilty since the fear of his father caused him to take the money. Was Thomas guilty?

5. Mary, a rich young lady and the heir to a great fortune, was forced into a marriage unwillingly by her mother. The mother positively forbade her to see any other young man, practically locked her up, threatened to disinherit her, to

create a scene and even to commit suicide, unless the marriage went through. Mary was of a timid disposition and was very unwilling to marry the young man, but did so to avoid trouble. Was the marriage a valid one?

6. Peter, an old man, was dying and made a will in favor of one of his sons because this son frightened the old man into making the will thus. Was the will valid?

7. Peter, a boy of twelve, was dragged by his drunken father into a store and forced to put his hand into a cash register and take out the money. Was Peter guilty of theft?

8. Though only slightly provoked, Henry, a young man of a very irascible temper, struck a companion with a club and killed him. During the trial which followed, Henry's lawyer and mother both testified that from childhood he was subject to fits of anger and that his unchecked habit of anger grew until it entirely overpowered him. Consequently they claim that he was not responsible for the act of killing.

9. John frequently makes use of profane language. He pleads that he is not responsible because profanity is now a habit.

10. Elizabeth has an aversion for a companion at school, an aversion that she has permitted to grow, until she claims that she can no longer remain in the presence of her girl friend without insulting her. Elizabeth contends that she can no longer control her feelings or her words; but she admits that she deliberately harbored these feelings of aversion and has strengthened them. Is she responsible for the insults which she offers her companion?

11. In the mountains of Kentucky, ten miles away from any other family, lived the Barnes. John Barnes, who was twenty-three years old, went to a village four months after the draft in the late war and was arrested for being a slacker. He claimed that he knew nothing of the war. None of his family had met anybody during that time. Could Mr. Barnes be held responsible for not enlisting?

THESIS 6

The formal object of ethics is "oughtness," which involves an ultimate end, a supreme good and an absolute right.

INTRODUCTION

We have seen that Conduct or Volitional actions form the subject-matter and, therefore, the **Material** Object of Ethics. But if Ethics, as a science, differs from other sciences that treat of the same subject-matter, it is because it views this same subject-matter under an aspect peculiar to itself. This peculiar aspect or view-point is what is called in the case of any science the **Formal** Object of the science. For example, Psychology embraces as **part** of its subject-matter and therefore as part of its Material object these same volitional actions, but with regard to even this part of the field thus common to both sciences there is an essential difference between the two sciences precisely because they view these same actions under two widely different aspects. Psychology treats of their origin, conditions of their existence, relations to one another and to the various faculties which are concerned with their production, etc. The purpose of the present thesis is to state and examine in some detail the peculiar view-point from which Ethics treats these actions, that is, to discuss the Formal Object of Ethics.

To do this we must return to the distinctive fact which Ethics as a department of thought presupposes and undertakes to explain. This fact is: *The intellectual impulse of man to judge certain volitional actions good and obligatory, certain bad and forbidden.*

Since this characteristic judgment of men is commonly expressed by propositions including the word "OUGHT"—as, for example, "A man **ought** to be honest and truthful;" or "A man **ought** not to steal"—it is clear that the peculiar view-point or aspect under which Ethics—"the science of interpreting this fact"—views the volitional actions of man is that aspect which men express by the word "OUGHT," the aspect therefore, as we may say, of "OUGHTNESS." If this be true, it is clear that "OUGHTNESS" is the formal object of Ethics. But to understand just what this formal object means it is necessary to determine exactly just what is expressed and

is implied when the term "OUGHT" is used in such judgments.

Notice that we say **such** judgments, namely, the ETHICAL judgments of which the first thesis treated. This is important because the word "OUGHT" is frequently used in different senses from that in which it is used in these judgments, for example:

1) to express a **conjectured** necessity, the frustration of which is not deemed impossible, as when the farmer says: "It ought to rain tomorrow";

2) to denote a necessity of action **conditioned** on expediency, or propriety or the end of a profession or social state of life, as when we say: "An artist **ought** to know the laws of perspective," "A politician **ought** to know human nature";

3) instead of the term "should," to signify a **logical** necessity or the ultimate reasonableness of a mode of action, as when we say, "A man of science **ought** not to give unwavering assent to mere hypotheses."

It is clear that the "ought" of Ethics is different from any of these three.

For example, in "Man **ought** to tell the truth," the term expresses to the normal person—

1) something **certain** and not merely conjectural; we do not merely hazard a **guess** that man ought to tell the truth, we cling to it with a firm intellectual conviction;

2) something **objective,** i.e., valid independently of the opinion of any individual or class of people and of the changing views of different times and places; we do not merely mean to say that it is our **subjective persuasion** or the subjective persuasion of anyone else that truthfulness is a thing desirable and in some sense necessary, we mean that in itself, and apart from our own or anyone else's state of mind, it is such a thing;

3) something **absolute,** and not merely conditional; its force does not depend on any further purpose we may have in view, nor on any inclination or ideals we freely choose to follow; its meaning is that **irrespective of any condition whatsoever,** truthfulness is a thing to be sought;

4) something **emotive,** that is, something the force of which directly affects **not** the **intellect** with a **logical** necessity, but the **will,** putting upon the latter a bond which can be very properly called a **MORAL** bond or necessity.

Logical necessity is that force brought to bear upon a man's action by his **apprehension** of the ultimate **reasonableness** of a certain way of acting.

Moral necessity—is the term naturally given to a force brought to bear upon man's will. For the will is the efficient principle in man of all responsible actions and responsible action is, as we have seen, for the most part—or CUSTOMARILY (*mos-moris*)—shaped according to these very ETHICAL judgments of men.

The meaning of "OUGHT," therefore, from this last point of view is not merely this: "If you wish to be reasonable, you must tell the truth," but this: "Whether you desire to be reasonable or not, your free will is tied and fastened by a bond to truth-telling, and to lie is to try to destroy that bond." We are fully conscious, when using "OUGHT" to express the presence of this bond, that we have the physical power to act as though we were not affected by such a bond, but this merely proves from the testimony of our own inner consciousness that our will is physically free—a POSTULATE, as we have seen, of our Ethics—it does not deny at all the consciousness at the same time of being, in some real, true sense of the word, bound in the matter of our free actions. And it is precisely this bond upon the will which is most of all emphasized in the use of the term "OUGHT" and which is most of all responsible as a MOVING or EMOTIVE force for our deliberate action determining ourself to tell the truth.

"OUGHT," therefore, expressing all that is outlined in the above four paragraphs, is the "copula," either expressed or implied, of every Ethical judgment, and denotes the peculiar aspect under which this judgment views man's conduct, consequently the FORMAL OBJECT of the science which deals with this judgment.

A further analysis, however, of what is involved in this term "OUGHT," as it is thus universally used by men in these judgments, will reveal more clearly the exact nature of this formal object and so the nature and purpose and scope of the science of Ethics itself.

We will imbody this further analysis in the syllogistic proof of the second part of the thesis.

EXPOSITION

FORMAL OBJECT: is the particular aspect of an object which is viewed in some particular science. Thus the Surface is the particular aspect of the earth viewed by the Science of Geography and hence is the formal object of that Science.

END: This term will be defined and explained in all its important divisions in Thesis 7. For the present thesis, it is sufficient to note that an end denotes a purpose for which it is reasonable for an agent to strive.

GOOD: This term will be defined and explained in all its important divisions in Thesis 10. For the present thesis, it is sufficient to note that a thing is commonly said to be good inasmuch as it is fitting or becoming.

RIGHT: This term will be defined and explained in all its important divisions in Thesis 16. For the present thesis, it is sufficient to note that in the sense in which it is used here, viz.: **Objective** Right—it means an objective and obligatory ideal of human action.

PROOFS

Part I. FORMAL OBJECT OF ETHICS IS OUGHTNESS.

Formal object of Ethics is that special aspect under which the science of Ethics views the material object, i.e., conduct.

But that special aspect is OUGHTNESS. *Therefore.*

Major: clear from definition of formal object.

Minor: clear from a consideration of the distinctive fact which Ethics deals with and undertakes to interpret. For that fact is the universal judgment of men that some actions **ought** to be performed, some **ought** not to be performed.

Part II. OUGHTNESS INVOLVES AN ULTIMATE END, A SUPREME GOOD AND AN ABSOLUTE RIGHT.

A.—Oughtness involves an ultimate end, a supreme good and an absolute right, if every Ethical judgment involves these three.

But every Ethical judgment involves these three. *Therefore.*

Major: For an Ethical judgment is one whose "copula," expressed or implied, is always the idea contained in the term "OUGHT," in such judgments as "I ought to tell the truth."

Minor:

1) **it involves an ultimate end:**
For it involves the judgment that the action in question (truth-telling), rather than its opposite, is an action which is **correct** and **reasonable** for me to aim at in using my powers of speech.

> (Proof of this: It is evidently impossible for me to judge that I ought to do something which I judge at the same time to be **altogether** unreasonable and incorrect for me to do.)

But to judge an action to be correct and reasonable to aim at is to judge that it will lead me in the long run at least, no matter what its immediate consequences may be, to reach some end which is consistent with my aims as a reasonable man and proper to be deliberately sought after by my free (self-determined) actions. Therefore, it is to judge that such an end objectively exists.

2) **it involves a supreme good.**
For it involves the judgment that the action in question rather than its opposite is an action which:

   a) is **fitting** and proper (good—cf.) "Good is that which is fitting."

      > (Proof of this: It is evidently impossible for me to judge that I **ought** to do something which I judge at the same time to be **altogether** unfitting or improper (bad) to do.)

   b) is **intrinsically** fitting (good), i.e., **in itself** and quite **independently** of what I and others might like, at least upon occasions, to think about it;

(Proof of this: It is impossible for me not to think (judge); "I ought to tell the truth" no matter how much, upon occasions, I might like to think the opposite.)

c) is **unconditionally fitting** (good), i.e., irrespective of circumstances and conditions of time, place and person.

(Proof of this: Same as proof of b.)

d) is correct and reasonable to aim at (cf. 1 of Minor), **precisely because** of this intrinsic and unconditional fittingness or goodness it has.

(Proof of this: It is impossible for me to judge that an action is reasonable and that as such it will lead me to an end proper to be sought by my free will, unless it is at the same time seen (judged) to be fitting (good) for my nature to perform.)

But to judge an action to be thus fitting, and because of its fittingness to be reasonable as leading to an ultimate objective end, is to judge that this end is also an objective good, fitting for my nature; therefore, it is to judge that such a **good objectively** exists. And further this good is judged to be a **supreme good**, because, being the ultimate end for me to aim at, it must be the thing beyond which there can be nothing more fitting to attain. Besides, if it were not the supreme good of my nature, then no action could be said to be intrinsically (of its nature) good, for that action, remaining the same, might become unfitting with reference to some other good beyond this "supreme" good; nor could any action be said to be unconditionally good, for that action might cease to be fitting under other circumstances or in other conditions.

3) **it involves an absolute right:**

For it involves the judgment that the action in question, rather than its opposite, is an action which, being thus reasonable and good, and so in keeping with IDEAL HUMAN CONDUCT, is a matter of CERTAIN (not merely conjectural), OBJECTIVE (not

merely subjective), ABSOLUTE (not merely conditional) and EMOTIVE (not merely logical) necessity.

But to judge an action is for such reasons NECESSARY for me to perform is to judge that there is such a thing as an IDEAL of human conduct which it is obligatory on man to realize or actualize in his free actions, i.e., it is to judge that there is such a thing objectively as RIGHT.

And since this ideal of conduct, when realized or actualized, leads to man's supreme and unconditioned and absolute good, this right is an ABSOLUTE RIGHT.

B.—This proof can be stated more briefly as follows:

Oughtness involves an ultimate end, a supreme good, and an absolute right, if every ethical judgment involves these three.

But every ethical judgment involves these three.

Therefore, Oughtness involves an ultimate end, a supreme good and an absolute right.

Major: An ethical judgment is one whose "copula," expressed or implied, is always the idea contained in the term "ought," in such a judgment as "I ought to tell the truth."

Minor:

1) **It involves an ultimate end.**
For it involves the judgment that the action in question (truth-telling) is an action which is correct and reasonable for me to aim at in using my powers of speech. It is evidently impossible for me to judge that I ought to do something which I judge at the same time to be altogether unreasonable and incorrect for me to do. But to judge that an action is correct and reasonable for me to aim at, is to judge that it will lead me in the long run at least (no matter what its immediate consequences may be) to some end which is consistent with my aims as a reasonable man and proper to be sought after by my free actions. Therefore, it is to judge that such an end objectively exists.

2) **It involves a supreme good.**
For it involves the judgment that the action in question rather than its opposite is an action, which is

fitting and proper and hence good. It is evidently impossible for me to judge that I ought to do something which I judge at the same time to be altogether unfitting and improper to do. When I judge that I ought to tell the truth, I implicitly judge that telling the truth will ultimately redound to my good, although telling a lie might involve some temporal or immediate advantage. That is, I judge telling the truth is most reasonable and consonant with my nature, because it perfects my nature and leads me to my last end, which is at the same time my supreme good. For what can be more suitable for a creature than to attain its last end. Therefore, to judge that such an action leads me to my last end is to judge that such an action is objectively good and precisely because it leads to an objective good. Moreover, this objective and supreme good must exist. Otherwise man would constantly be forming false judgments, and scepticism would result.

3) **It involves an absolute right.**
Because when I judge that I ought to tell the truth, I implicitly judge that truth-telling is an ideal of conduct that I ought to realize in my actions and so with other ethical judgments. And hence I judge that this ideal of conduct exists. But this ideal of conduct is what we mean by objective right. Therefore, this ideal of conduct or objective right exists or I am continually making false judgments and rational nature is a mockery. I implicitly judge that this ideal of conduct is something certain, something objective, and something absolute and this ideal of conduct is obligatory on man to realize in his free actions and therefore it must exist. And since this ideal of conduct, when realized, leads to man's supreme, absolute and unconditional good, this ideal of conduct (right) is an absolute right.

SCHOLION

"OUGHT," therefore, implies a twofold canon of conduct, one **incomplete**, which furnishes a **rule** by which the worth of conduct, i.e., its conformity with the end and the good, is discerned; and another **complete**, comprising the first and

adding the idea of **law** prescribing right and proscribing wrong conduct.

N.B.—A **RULE** is a standard by which things are measured or a norm to which they are to be conformed.

A **LAW** presupposes a rule and superadds the idea of necessity or compulsion.

A RULE is practical in respect of matter and speculative in mode;

A LAW is practical in respect of matter and in mode.

SUMMARY OF FIRST SIX THESES AND NEXUS OF SAME WITH FOLLOWING THESES

The science of Ethics has for its province the interpretation of the Ethical Fact;

The first analysis of this fact has given us the Material—"CONDUCT"—and Formal—"OUGHTNESS"—Objects of the science;

The analysis of Oughtness has shown that there is involved in the Ethical judgment or fact the judgment that there exist for man's free activity an objective END, an objective and supreme GOOD and an objective and absolute RIGHT.

The interpretation, therefore, of the Ethical fact reduces itself to the examination of all that is involved in these further judgments, to the investigation of the grounds on which these judgments are made, etc.

Should the question be asked, "Is the Ethical judgment 'some actions are bad and ought to be avoided' objectively true, and is there, in consequence, such an end, good and right as spoken of?" our answer is:

1) From the fact that said judgment is one that men universally are compelled to make, the presumption is certainly in favor of its truth: for it is a judgment of the *"Sensus Communis"* of mankind and such judgments are, under certain conditions, infallibly true. (Cf. Epistemology.) Given the presumption in favor of the truth of the Ethical judgment, the three judgments, shown by our analysis to be involved in the same, will have that degree of presumption in favor of their truth which corresponds to the correctness of our analysis.
2) Accepting the phenomenon of mankind's spontaneous adherence to the truth of said judgment, and examining one by one, the various ethical theories or systems advanced to explain this phenomenon and examining them simply as theories or hypotheses to discover their power of explaining this fact, we could show that the only system which can satisfactorily explain it is that which does embody the teaching, not only that there are actions objectively bad and forbidden (ought to be avoided), but that the reason

why this is so is because of the existence of an objective, ultimate end, a supreme good and an absolute right. (Cf. Fr. Hull's *Why Should I Be Moral?*)

3) Quite apart from the fact that there is such a thing as an Ethical judgment and even more widely apart from the **particular** analysis **we** have made of the contents of that judgment, the truth of the same, namely, that there are actions that are bad and that there is such a thing as a real objective necessity of avoiding them ("Ought not to be done") and the further truth that there is an ultimate end for man's activity, and a supreme good for his will to seek and an ideal of conduct obligatory in character (Right), can be proved *a priori* as necessary consequences of the conclusions established in the correct system of **Speculative** Philosophy.

It is this work we approach in the following theses. In these we will prove, with entire precision from the foregoing **analysis** of the material and formal objects of our science, the fundamental tenets of the system of Ethics which alone, we claim, has the approval of right reason.

II. THE END

THESIS 7

The absolutely ultimate intrinsic end of man's volitional activity is blessedness.

INTRODUCTION

In this thesis we undertake to prove the existence of an objective end established for man's conduct. In doing this we are really proving the correctness of the first of the three judgments which our analysis of the Ethical Fact has discovered. We go further in the thesis and establish the nature of this objective end.

EXPOSITION

END: 1) in its **literal** meaning, is the terminal part of a material object.

2) thence by **analogy**, is—

a) the **close** and **outcome** of a continued operation;

b) the result of **conative** activities foreseen before achievement;

c) the mental representation of this result as desirable and as inducing to action.

In this last sense (viz., c) the term is used in this thesis, namely, as a **final cause**, or

"That for the sake of which or on account of which anything is done."

N.B.—End or final cause is called MOTIVE when looked at as that which induces the action; it is called PURPOSE when looked at as the object or state which the action is intended to attain.

Evidently, though man's will acts from a motive as well as for a purpose, the will of God can act only for a purpose and not from a motive.

N.B.—Distinguish clearly between concept of **end** and concept of **means**. END is always a thing desirable in itself and for its own sake, whereas MEANS is a thing which is desirable, not for itself,

but for the sake of something else to which it leads or at least is thought to lead. When, as often happens, one and the same thing is apprehended to be both desirable in itself and also as leading to something else, then that thing shares the nature of both end and means, and is called an **intermediate end.**

DIVISION OF ENDS: Complete division given in General Metaphysics; for our thesis the following are important:

A) End of **Action** (Deed Performed or Work Done) is that result in which the action **of its nature** terminates or to which the work of its **nature** tends.
Every action **of its nature** terminates in some special result; everything that is done or is made has some definite nature and **through that nature** is fitted for some definite use; this result or use is said to be the END OF ACTION OR WORK OR DEED.

End of **Agent** (Doer or Worker) is that purpose freely chosen by the agent or doer or worker and for the sake of which or on account of which the action is performed or the thing done or the work executed by him.

N.B.—In the case of an agent of infinite intellect and will, these two ends must be identified; in the case of finite agents, they may be or may not be; usually they are not.

In this thesis the question as to end of man's volitional activity has to do with the end of action. Thesis, therefore, treats of that for the sake of which that activity has been made or exists, not of that purpose towards which man may perhaps freely choose to direct the use of that same activity.

B) **Intrinsic** End is that end realizable within the nature of a thing itself through the fullest development and perfection of which the thing is capable.

Extrinsic End is that end realizable outside of the nature of a thing, to which the final state of intrinsic perfection (intrinsic end realized) is itself directed or ordained by the author of the nature of the thing.

N.B.—This division is a further division of END OF ACTION (DEED or WORK). It is also clear from the relation between these two ends that—

1) in the case of any given agent, the intrinsic end given by him to his work will be determined by the extrinsic end he wishes to attain.

2) that in the case of an infinite agent, the attainment of the intrinsic end on the part of the natures He has produced will infallibly secure the attainment of their extrinsic end.

In this thesis the question as to end of man's volitional activity has to do with the intrinsic end. Thesis, therefore, treats of that which is realizable within the very nature of that activity and for the sake of realizing which that activity has been made or exists.

C) Proximate or Immediate end is that for the sake of or on account of which anything is directly or immediately done or intended.

Remote or Intermediate end is that for the sake of which a proximate end is sought or intended and which itself, in turn, is sought or intended for some further purpose.

Ultimate or last end is that for the sake of which all other ends are sought, at least within a certain sphere of activity, and which itself is not sought with a view to any further end, at least within the same sphere of activity.

Relatively ultimate end, i.e., within a certain sphere of activity, is that for the sake of which all other ends are sought within a certain sphere of activity and which itself, though of its nature it can and ought to be referred to some further end outside this sphere of activity, is not actually referred.

Absolutely ultimate end, i.e., for the whole range of an agent's activity, is that for the sake of which all other ends are sought within the entire range of that agent's activity and which itself is not referred to any further end because of its nature it can not be thus referred.

N.B.—1) Evidently this division of ends into proximate, remote and ultimate is not found in the case of every action. An action may be performed

for only one end; in this case this end is both proximate and ultimate and there is no intermediate end. Or it may be performed for an end which is referred to one other; in this case the first is a proximate end, the second, an ultimate and again there is no intermediate end.

2) There may be as many **relatively** ultimate ends as there are different spheres of activity which are not, though they could be, referred in their results to some further end. But, as we shall see in this thesis, there can be only one absolutely ultimate end, one, namely, which cannot be referred to any other and to which all others must themselves be referred.

BLESSEDNESS: Is the final perfection of rational nature with the happiness consequent thereupon.

For a better understanding of this definition we will look at its two elements separately:

1) "Final perfection of rational nature."
2) "Consequent happiness."

1) With regard to the **first element**, it is necessary to state here another of the POSTULATES of Ethics, a premise drawn this time from Cosmology or Natural Theology. This postulate may be stated as follows:

There exists a NECESSARY, SELF-EXISTING BEING, possessing all perfections in an unlimited degree and particularly intelligence and freedom of action. This being has freely created all other beings that exist and in doing so has acted for the only purpose for which such a being could act, namely, for the communication of His own perfections in such a way as to make them manifest to other intelligences and, in consequence, attractive to other wills. This being is, therefore, the efficient, exemplary and final cause of all other beings; all other beings are, therefore, CONTINGENT, owing their existence and endurance in existence, their nature and the activities of their nature to this Self-existing Being, and they are necessarily images of this Creator's exemplary ideas. This manifestation on the part of God, the

Creator, of His infinite perfections through His creatures constitutes what is known as God's external or extrinsic glory;

(Glory is "clear knowledge and praise.")

Hence, God's external glory is the absolutely ultimate but **extrinsic** end of all creatures and of their natural powers of action. Hence, also, all creatures must be by nature fitted and directed to give this glory through the attainment of their own intrinsic end. The kind and degree of glory to be given by each creature is evidently different in accordance with the different natures of creatures and their consequent different powers of action.

N.B.—For a clearer understanding of this Postulate, thus far expressed, we subjoin a brief treatment of the concepts of nature and appetite. (Cf. Cronin, *Science of Ethics*, vol. I, chap. 4, p. 105 ff.)

By **nature** in general is meant the inner directive principle of a thing, the essence of a thing inasmuch as it is the principle of action or operation. In other words, it is the very being of a thing inasmuch as it disposed and inclined to a certain mode of operation.

By **appetite** in general is meant this very disposition, inclination or tendency towards any action or kind of action and through that action towards the attainment of some end or object.

Now **appetites** may incline to ends in various ways, either consciously or unconsciously, vitally—that is, as a result of living forces—or non-vitally. The animal's desire for food is a **conscious** inclination; the tendency of the tree to flower is **unconscious**; assimilation and growth in plants and animals are **vital** tendencies; gravitation and the tendency of a crystal or of iron to exhibit certain properties of color, form and weight are **non-vital** tendencies. But any tendency, conscious or unconscious, vital or non-vital, is what is meant by **appetite.**

Appetites are divided into two classes—**physical** and **psychical.** Physical appetites are those that spring immediately out of the nature of a thing and have no dependence on knowledge. Psychical appetites are those which, though possibly grounded in nature, yet depend on and proceed from knowledge.

Of these psychical appetites there are two kinds, sensitive and intellectual, according as the knowledge from which the appetite proceeds is sensitive or intellectual.

From what has been said it is clear that the **physical** appetite is not a vital act, but a certain inclination, a certain gravitation as it were of nature towards its term or the end implanted by the Creator. Moreover, it is found not only in cognitive beings, but also in inanimate objects, and since it is a natural tendency of a thing, it is as permanent and enduring as nature itself, i.e., it will remain in the subject as long as the being remains what it is. Finally, this physical appetite does not mean a mere capacity, but is a positive tendency and inclination, by which the nature is drawn towards what is good for it.

Such a physical appetite is properly said to be **natural** to or **innate** in the being which has it. When this appetite—a tendency to act—does act, the action is properly called an **elicited** appetite.

Each creature, therefore, will, by obedience to its appetite, secure the perfection of its nature, and when it has by such obedience secured the highest point of perfection of which its nature is capable, it will have secured its ultimate, intrinsic end, and by necessary consequence, as we have said above, its ultimate, extrinsic end also. But it will never secure this highest point of perfection until it has used its powers of acting—seeking—to their utmost extent and thereby, in a sense, exhausted them.

From this statement and explanation of what is called the Cosmological POSTULATE, it clearly follows that the ultimate intrinsic end of any activity must be the final (highest point of) perfection of that activity. Therefore, the ultimate, intrinsic end of man's volitional activity must be the final perfection of that activity. But since this activity is the supreme activity of man's nature, which is rational nature (cf. Psychology for detailed proof of this point), its final perfection must be the final perfection of rational nature, and it is precisely in this point that what is true of the ultimate, intrinsic end of man's volitional activity differs from what is true of the same end

in the case of other creatures. For this activity, being rational, is a vital and a conscious appetite and one which upon attaining its object (intrinsic perfection) experiences subjective satisfaction or pleasure.

2) This brings us to the consideration of the **second element** in our definition of Blessedness, namely, "Happiness consequent" upon final perfection of rational nature.

HAPPINESS is a species of pleasure.

PLEASURE is the "Vital satisfaction of **desire,**" or the conscious satisfaction of a faculty in the possession of its proper object.

HAPPINESS is the "Vital satisfaction of **all** desire"; or the conscious satisfaction of a faculty, capable of possessing all things, in possession of its object.

Therefore, to speak, as we do in defining Blessedness, of Happiness as consequent upon the perfection of rational nature, is to imply that rational nature, through the exercise of its supreme activity, the will, is capable of possessing all things and that the final perfection of that nature will not be attained until it actually does possess all things. And this is precisely the main point of this thesis and its proof, namely, that man's highest activity, the volitional, is capable of and has a positive tendency towards and an inclination for the possession of all things; that is, the will can and does go out in desire after any and everything that can be apprehended by the intellect as desirable, and the intellect can apprehend things without end as desirable. Therefore, the final perfection of this volitional activity can be nothing else than the complete and perfect satisfaction which the will must enjoy when in the lasting and perfect possession of all that is desirable, and to such complete satisfaction is given the name **happiness**; and to the complexus of the objective grounds of this happiness, viz., "perfect well-being of life and activity" and the full and unalloyed happiness that arises in consequence of said perfect well-being, to this complexus is given the name BLESSEDNESS.

A corollary of blessedness is that it should be **stable and enduring.** It could be subject to change only in the supposition that the capacity of human nature for blessedness—a) could be continually and progressively enlarged, or b) could be finally diminished. Both suppositions are untenable. If terminable, the blessed a) either know it, b) are in doubt regarding it, or c) are ignorant of it. Any of these suppositions vitiates blessedness.

Blessedness may, therefore, be defined as "the **enduring possession of all good.**"

This state of blessedness may be considered wholly **indeterminately** and in general, that is, we may consider it in the abstract, apart from the particular and determinate object or objects by which it is effected as well as from the determinate manner in which that object or those objects are attained and possessed; or we may consider it **determinately** and in the concrete, that is, we may consider it as consisting in and effected by the possession of this or that object and as attained by this or that act. Here we consider blessedness in the former sense, that is, we consider the state of blessedness in general and in the abstract. In a later thesis we shall consider it in the concrete.

Blessedness is either **natural** or **supernatural.** It is **natural** if it corresponds to, but does not exceed, the natural exigencies and powers of man; it is **supernatural** if it exceeds the natural exigencies and powers of man. It is natural, if man has a natural right to it, so that God would contradict Himself if He were not to grant that state of blessedness to a man who does everything in his power to attain it; it is supernatural, if man has no natural right to it, but is due to an act of pure benevolence of God, inasmuch, namely, as God in His infinite love and goodness has raised and elevated man above his natural capacities and powers. **In our thesis** there is question of the state of **natural** blessedness. Hence, the meaning of the thesis is this, if we abstract from the supernatural order to which, according to the teaching of our Faith, man has as a matter of fact been elevated, and consider him, therefore, from the purely natural standpoint as a rational sentient being and endowed with those powers and exigencies of mere nature which both reason and

experience assure us he actually possesses, man is destined by his Creator to attain and realize the state of blessedness, that is, is destined by his Creator to attain such a state of perfection, proportioned to the capacity and exigency of his nature, that he will in consequence enjoy perfect happiness.

PROOFS

A.—The absolutely ultimate, intrinsic end of man's volitional activity is the attainment of that perfection for which this activity has an innate desire.

But the attainment of that perfection for which man's volitional activity has an innate rational desire is Blessedness. *Therefore.*

Major: The absolutely ultimate, intrinsic end of any activity is the attainment of the greatest intrinsic perfection for which that activity has an innate appetite, i.e., capacity and tendency.

But man's volitional activity is an appetite which is rational and so its innate appetite is an innate desire.

Minor: The innate desire of man's volitional activity is for that perfection for which the will has a capacity and a need and which fully responds to that capacity and fully satisfies that need. Now this capacity and need must be measured by the range of the intellect's power of conceiving.

Therefore, since the intellect can conceive without limit things as desirable or good, the will's capacity and need is for the possession of good without limit.

Therefore, that for which man's volitional activity has an innate desire is the possession of good without limit.

Therefore, the attainment of the possession of good without limit is that perfection for which man's volitional activity has an innate desire.

But the attainment of the possession of good without limit is the **final perfection of the rational nature** which has an innate capacity and tendency for that and for nothing else.

Therefore, the attainment of the possession of good without limit fulfills the **first part** of the definition of **Blessedness.**

And the attainment of the possession of such good, setting at rest, as it must, all desires, affords the **consequent** perfect **satisfaction** which a conscious faculty always experiences in the possession of its proper object.

This conscious satisfaction, in the case of man's will —a faculty capable of possessing as its object all things —we call **Happiness.**

Therefore, this attainment of the possession of good without limit fulfills the **second part** of the definition of **Blessedness.**

Therefore, the attainment of that perfection for which man's volitional activity has an innate desire is BLESSEDNESS.

B.—The thesis can also be proved as follows:

1. That the final perfection and happiness of his rational nature is the ultimate, intrinsic end of man is evident from the elicit appetence or the innate appetence of the will actuated in regard to a particular object.

For "the formal element in desire, QUA desire, is the natural inclination of the will towards an object that shall be repletive of its innate tendency."

Therefore, in every actual volition the fullness of well-being is either explicitly or implicitly sought.

This is confirmed by the experience of our inner life. We pursue objects of desire, but possession does not bring surcease of desire; we are occupied with some interests, but no measure of success brings permanent content. Rational desire can never be sated except in the attaining of a state of existence co-extensive with the good for which the will has capacity and need; but its capacity and need are measured by range of intellect's power of conceiving.

2. It would be derogatory to the divine attributes to suppose that the innate tendency of man's will towards the final perfection and happiness of his rational nature is unattainable—is to remain forever unsatisfied and unrealized.

For: (1) the divine **Wisdom** would be in contradiction with itself, if it implanted in our nature a tendency to a goal that could never be reached;

2) the divine **Veracity** would belie itself, if the promises which the tendency reveals were false, a mere lure to lead us on:

3) the divine **Goodness** would defeat its own purpose, if man, through the faculties by which he excels the brutes, were rendered more wretched than they.

COROLLARIES

I. Since the will is man's supreme faculty, his specifically characteristic and dominant tendency, to which all his other tendencies or appetites are by nature subordinated, it follows that the proof of this thesis is exactly a proof that the **absolutely ultimate intrinsic end of man himself** is BLESSEDNESS.

II. It is certain that there is some object which is capable and sufficient to make man fully and completely blessed, i.e., which is capable and sufficient fully to satisfy man's rational desire for perfection and happiness. It is equally certain that every man is, as far as God is concerned, able to reach, possess and enjoy this object.

III. By reason of their natural and innate appetite, all men seek the same ultimate end, although, by reason of their elicited appetites, they seek different and diverse proximate ends. For all wish to attain the fullness of well-being and perfect happiness, but they seek and think to find this fullness of well-being and perfect happiness in very different things: some in wealth, some in honor and fame, some in sensuous pleasure, some in power, etc.

IV. Man ultimately aims at final perfection and happiness in all he does, whether his will acts with deliberate choice, or naturally, spontaneously and without deliberation. His own perfection, his own happiness is the end which is always intended by him; at this he ever aims. The very crimes which he commits are committed because by perversion of his reason he has persuaded himself that they will, either directly or indirectly, procure for him the well-being and happiness which he is seeking. From that end he cannot, by any physical possibility, avert his will; for his well-being and happiness is the proper object of his will, just as color is the connatural and proper object of vision; and no faculty can turn away from its own specific object to one which is totally separated from its whole sphere of action. Hence, all that a man desires is desired on account of his ultimate end or perfect well-being and happiness. For the ultimate end is related to movements

of our appetite, as the first mover is related to other movements. But in other movements, the secondary or subordinate movers act by virtue of and in so far as they are moved by the prime mover. Therefore, also, it is by virtue of the ultimate end that subordinate and intermediate ends are able to move our wills; consequently, whatever else man may desire, he desires it on account of the ultimate end, or perfect well-being and happiness, that is, he desires it as leading or as seeming to lead to perfect well-being and happiness. This principle that everything is done with a view to the ultimate end, that is, final perfection and happiness, does not mean that in each act that we perform we must actually and explicitly think of the ultimate end. A man does not think of the end of his journey at each stop. It means simply that each end is sought in virtue of our ultimate end, as each step in walking is taken in virtue of the end which we desire to reach in walking.

V. In accordance with the principle explained in the foregoing corollary the philosophical axiom is to be understood and interpreted, *"finis non cadit sub electione"*—"the end does not fall under our choice", or "the end is not subject to choice." The end here meant is that final perfection and happiness which we ultimately intend by all that we do. All the other ends which man wishes, and to which he tends, regard particular things and hence a particular good; they are subject to choice and are only means in respect to what is ultimately intended by him. To these particular ends, which may be freely intended by way of means, is applied the axiom *"media cadunt sub electione"*—"the means fall under election", or "the means are subject to free choice." Hence man is free in regard to means to end, but not in regard to the end itself: to the end itself he is impelled by his very nature.

SCHOLIA

I. The rest that is partially or completely afforded a faculty in the attainment of its partial or ultimate perfection, is rest from further striving, seeking or tending, not, as is clearly evident in the case of a conscious faculty, rest from the activity of enjoyment. Hence, no real difficulty can be brought from the doctrine of the thesis to the effect that we herein make the last end, and consequently the final perfec-

tion of man, who is an essentially active being, consist in mere rest or passivity.

Happiness has, on the contrary, been defined, from a correct view of the doctrine of this thesis, as "Cessation from the activity of striving, tending, pursuing, not cessation from activity of enjoying."

II. It is important to remember that this innate desire of man for Blessedness is the desire of a being who is not subordinated to any other being in the order of created things. Therefore, it follows that the satisfaction of this desire through the actual attainment of Blessedness is not conditioned upon the utility of any higher order of creatures. The contrary is precisely what is true in the case of irrational creatures. The attainment of their intrinsic end is always conditioned upon the utility and service of man for whom they have been made. For example, the fullest satisfaction of an animal's appetite for sensible good is not necessarily attainable by every animal because the animal, with all its natural appetites and powers, is intended by nature to be subordinated to the good of man. Man, on the contrary, is subordinated to no one but God, His Creator, and, as we have seen, God's purpose in creating —His external glory—is to be secured precisely through the attainment by man of his natural desire and happiness.

DIFFICULTIES*

Obj. 1. The brutes have a natural appetency for happiness. But this appetency is not satisfied. Therefore, it is not repugnant that natural appetence should remain unsatisfied.

Reply. Dist. Maj.: The brutes have a natural appetency for perfect happiness, neg. maj.; for imperfect happiness, that is, for an indefinite series of sensuous pleasures, sd.: absolutely and without any reference to the utility of man, neg. maj., subordinately to the good of man and as it were conditionally, conc. maj.

> "A natural appetency or desire cannot be useless." (S. Th. 1, q. 75, a. 6.) But man's natural and innate desire for final perfection and happiness would be void and useless, if he were not destined to attain this state of final perfec-

*The Difficulties and their solution found here and subsequently in these pages are for the most part taken from Cathrein, *Philosophia Moralis*, and arranged by Fr. Frederick Meyer, S.J.

tion and happiness. The same cannot be said of the innate appetite of the brutes for its object, nor of the innate sensuous appetite in man; because these are but means in reference to the rational tendency of man and do not **absolutely** seek and desire sensible goods, but only as it were **conditionally,** that is, only in so far as it is in accord with, and suitable to, man's higher nature. Hence, these appetites for sensible good are not void and useless even though they do not obtain every single good of which they are capable. On the other hand, the rational tendency of man is not subordinated to any higher tendency. For man is, it is true, destined and ordained for the extrinsic glory of his Maker, but not for His utility or benefit, since God cannot possibly derive any utility from His creatures. Hence, if man's innate tendency or desire for final perfection and happiness were incapable of being realized, God would have implanted in his nature a longing or appetite that is useless and in vain.

Obj. 2. Man's desire for health, wealth, knowledge, culture, etc., frequently remains unsatisfied. But these desires are natural. Therefore, natural desires can be frustrated.

Reply. Conc. maj. Dist. min.: These desires are natural in the sense that they are a necessary and inevitable outcome of man's nature, neg. min.; in the sense that they are subordinate to the desire for final perfection and happiness, conc. min. Dist. Concl. Natural desires that are subordinate to some higher desire may remain unsatisfied, conc. concl.; a natural desire which is innate and not subordinated to any higher desire may remain unsatisfied, neg. concl.

Obj. 3. If a natural innate desire cannot remain unsatisfied, all men, the wicked and the evil-doers included, will attain to perfect happiness. But this is opposed to reason. Therefore, a natural innate desire may remain unsatisfied.

Proof of major. All men, the wicked and the evil-doers included, have a natural innate desire for perfect happiness. But this desire, it is assumed, cannot remain unsatisfied and thus be in vain. Therefore, if a natural innate desire cannot remain unsatisfied, all men, the wicked and evil-doers included, will reach final perfection and happiness.

Reply. Dist. maj.: It will follow that all men, the wicked and evil-doers included, are destined for final perfection and happiness, conc. maj.; it will follow that all men will actually

attain final perfection and happiness, sd.: if they are absolutely destined for it, conc. maj.; if only conditionally destined for it, neg. maj. Cd. min.

To the proof of maj.—Conc. maj. Dist. min.: This desire cannot remain unsatisfied in the sense that a being possessing such a desire must be able to reach the term of its desire, or must be destined to reach it, conc. min.; each individual nature must actually reach that which it desires and is destined for, sd.: if absolutely destined for it, conc. min.; if only conditionally destined for it, neg. min. Dist. concl.

> Man is absolutely destined to give extrinsic glory to God and this end every man will infallibly attain. He is conditionally destined for final perfection and happiness; and this end also man will infallibly attain on condition that he co-operate with the benevolent intention of his Maker.

Obj. 4. No one can tend to what he does not know. But many do not know what final perfection and happiness really are. Therefore, they cannot tend to final perfection and happiness.

Reply. Trans. Maj. Dist. min.: Many do not know what final perfection and happiness in general are, that is, they do not know what that indeterminate something is to which they tend and which they seek in everything they do, neg. min.; do not know in what specific object final perfection and happiness consist, conc. min. Neg. concl.

We transmitted the major, because it is not universally true; it is true only of elicited psychical appetites, not of physical innate appetites, since these latter do not depend upon cognition, but are the essential gravitation of will towards its connatural and proper object.

Obj. 5. The same individual acts now for glory, now for gain, now for love, etc. But these different ends are not necessarily connected with final perfection and happiness. Therefore, man does not naturally tend to final perfection and happiness.

Reply. Dist. maj.: The same individual acts now for glory, now for gain, etc., because he thinks these things will lead to his final perfection and happiness, conc. maj.; otherwise, neg. maj. Contrad. min. These ends are not necessarily connected with final perfection and happiness in the mind of him who seeks them, neg. min.; in themselves they are not

necessarily connected with final perfection and happiness, conc. min.

Obj. 6. Men seek as their ultimate end most different and diverse things—some, eating and drinking; some, the heaping up of money; some, political power; some, reputation of one sort or another. But these different ends are not compatible with final perfection and happiness. Therefore, the absolutely ultimate end of man is not final perfection and happiness.

Reply. Dist. maj.: Men seek these things by the innate tendency of their wills, neg. maj.; by elicited appetite, sd.: because he who seeks any one of these particular things thinks he will, by its means, in some way reach final perfection and happiness, conc. maj.; otherwise, neg. maj. Contrad. min. These different ends are not compatible with final perfection and happiness in the minds of those who seek them, neg. min.; in themselves they are not compatible, conc. min.; Dist. Concl. Man does not tend to final perfection and happiness by innate appetite, neg. concl.; by elicited appetite, sd.: does not tend to that which he thinks will lead to final perfection and happiness, neg. concl.; does not necessarily tend to that which leads to final perfection and happiness, conc. concl.

THESIS 8.*

The final perfection and happiness of man consists in the perfect knowledge and love of supreme truth and supreme goodness, that is, God.

INTRODUCTION

We have seen that the ultimate intrinsic end of man's volitional activity is the final perfection and happiness of his nature. It follows, as a necessary consequence, that there is some object or objects in the attainment, possession and enjoyment of which man will find this perfection and happiness. Is it possible to determine this object and to say in what it consists? Many recent evolutionary philosophers hold that it is not possible. They say that though we may determine the kind of action that will promote our final end, it is nevertheless not possible to determine the end itself or to say in what it consists. This view is contradicted by both experience and by reason. For man's highest appetites, by which he tends to his final end, are within himself; they are conscious and they are known to him, and therefore, being conscious movements to certain ends, the ends of these appetites are also determinable even before these ends are attained. If this were not the case, if we did not know the ends of our conscious appetites prior to their attainment, we could not move to their attainment. Since, therefore, our highest appetites and their objects are known to us, it is possible to determine our final end.

We may not, indeed, know everything about our final end—its constitution and the place and time of its attainment —just as whilst knowing that the object of hunger is food, we need know not the chemical constitution of food. But there is nothing to prevent our being able to determine the function and object that constitutes our final end, in so far at least as that end is necessary to the full and adequate satisfaction of our highest natural appetite; for the highest natural appetite will consist of a conscious tendency to a certain end, and consequently it is not possible that we should not know in what that end consists.

*The exposition and arguments of this thesis as given below are substantially the content of Cronin, *Science of Ethics*, Vol. I., pp. 55-70.

EXPOSITION

To the question—"In the attainment of what object or objects is man's final perfection to be found?"—different answers have been given. We shall first group together the answers which are false and give a brief refutation of each, and then state and prove the correct answers.

A.—False Answers.

a) Some philosophers have identified the final objective end of man with certain finite external objects, or goods of fortune, e.g., money, honor, or power.

That these finite external objects cannot constitute the final objective end of man will appear from the following general argument of St. Thomas:

> The final end must fill up the capacity of the will for desiring (*quietare appetitum*).
>
> Now, that which fully satisfies the will must, **first,** exclude from the will the possibility of unhappiness, but finite external goods can be possessed along with unhappiness; **secondly,** the final end must give us all that we desire, but finite external goods still leave much to be desired v.g., knowledge; **thirdly,** it must not of itself make us unhappy, but money and honor are often themselves the root of misery; **finally,** our highest natural end must be a good to which we tend necessarily, but external finite goods are not necessarily desired. They often come to us without our desiring them, and accidentally, and they are then called, not natural acquirements, but goods of fortune.
>
> Our final end, therefore, does not consist in such goods as riches or honor or power.

b) Other philosophers, for instance, the Epicureans, maintain that the final objective end of man consists in some good of the body, as bodily health or strength.

> This opinion is certainly false, because the body and its excellencies are only part of the human good, and the lesser part. Besides, man's highest good must certainly be a something in which he surpasses the brutes, whereas there is no bodily good in which he is not surpassed by many animals. The elephant, as Aquinas remarks, surpasses man in length of life, the lion in strength, the stag in swiftness, etc. Finally, goods of the body are unsatisfy-

ing, in the absence of goods of fortune, and, like these, are possessed or lost without relation to moral life.

c) Hedonists, like Hobbes, Aristippus, Mill, Spinoza, Butler, and others, hold that the final natural end of man consists in pleasure.

This opinion cannot be admitted, and for the following reasons: The fundamental and primary natural object of our will, as of any other faculty, represents its final natural end.

But pleasure is not the fundamental and primary natural object of our will, but some other object outside our wills.

Therefore, pleasure is not our final natural end.

That pleasure is not the fundamental primary object to which nature directs our wills is known from the fact that in the order of nature desire for an object outside the will is prior to all other desires, even the desire for pleasure. For will and the appetites follow cognition. We desire that which we know; and we naturally desire first what we know first. But the primary and natural objects of our understanding are external things, not states of the understanding itself, of consciousness, or of will. Hence, the primary objective end of the natural appetites is external to the appetite and not within it. Pleasure is something that follows from the possession of some external good, and hence does not constitute it.

d) Again, others, for instance, the Stoics, claim that the final objective end of man consists in goods of the soul, as knowledge, love and virtue.

But these goods of the souls cannot constitute the ultimate objective end of man; because they are not desired for themselves; they are desired as means to an ulterior end. Moreover, they are subjective goods, whereas the will desires something beyond itself. Finally, they are not in themselves completely satisfying; their capacity for rendering blessed depends on the capacity of the objects, with which they are concerned, for adequately satisfying man's final tendency, that is, knowledge, love and virtue can render man blessed, provided that the objects with which they are concerned can fully satisfy man's final tendency.

e) Kant and his followers maintain that the final objective end of man consists in holiness with its attendant happiness.

Now, holiness may mean righteousness of life. And so understood, it is not our final end itself, but only direction to our final end. And the happiness that results from holiness, or peace of conscience, supposes that our final end is either aimed at or is already attained, and, therefore, is not itself our end. Holiness, on the other hand, may mean virtue; but in that sense it is only a means to good acts, and hence cannot be our final end.

f) According to some modern Evolutionists, the final objective end of man consists in self-realization; according to others, it consists in the culture of the individual or of the race; according to still others (Herbert Spencer and his followers), it consists in the adjustment of inner powers to outer environment.

These different theories may be refuted by the general argument that the final objective end of man must be, as our proof will show, some object external to man, and hence it cannot consist in any good of body or soul, nor in any internal good in relation to our surroundings or in the adjustment of inner powers to outer environment.

g) As none of the things mentioned above can, when taken singly, constitute the final perfection and happiness of man, so neither can they constitute it in combination, first, because some of them are incompatible, and, secondly, because each is insufficient, not quantitatively only, but qualitatively also. It is clear, moreover, that no one can possess and attain all those finite goods in combination.

B—**Correct Answer.**

Since no particular good (finite good), nor any combination of finite goods, can constitute the final objective end of man, it follows that the object of man's final perfection and happiness can be no other than the Infinite Uncreated, that is, God. We, therefore, claim that in the possession and attainment of God alone can man find the blessedness for which he is destined—that in the possession and attainment of God alone can he find the final perfection and happiness of his nature.

Now, man attains to God and to the possession of God only by rational acts, that is, by the acts of his intellect and will; so that the possession of God consists in the knowledge and love of God.

PROOF

Man's final perfection and happiness will consist in that which alone is necessary and sufficient fully and completely to satisfy the specific tendency and inclinations of his nature.

But knowledge and love of supreme truth and supreme goodness (i.e., God) alone are necessary and sufficient fully and completely to satisfy the specific tendencies and inclinations of his nature. *Therefore.*

Major: Just as the final end of a tree must be the realization of its full capacities as a tree, so our final end as men must fill up the capacity of the will for desiring. The conscious natural appetites hold the same place in the human constitution that the unconscious appetites hold in the vegetative world. But the final end of a plant will be that which exhausts fully its appetitive capacity. Therefore, the final end in the case of a man will likewise be that which fully exhausts his appetites. "Nothing," says Aquinas, "can be our final end which still leaves something to be desired."

Hence, the object of man's final perfection and happiness must be something which fills up the capacity of his will for desiring—something which is necessary and sufficient fully and completely to satisfy the specific tendencies and inclinations of human nature.

Minor: The specific tendencies and inclinations of man's nature, as manifested in his highest and noblest activity, are intellect and will. Now the connatural and appropriate object of his will is the good-in-general, and the connatural and appropriate object of man's intellect is the true-in-general. Hence, nothing short of supreme truth and supreme goodness can fully and completely satisfy the capacity and inclination of man's intellect and will. That is, the intellect of man will not be sated until it knows all truth and the will of man will not be satisfied until it possesses all goodness.

It is clear, therefore, that nothing but knowledge of God, the supreme and essential truth, the fountain and source of all truth, can fill up the capacity of the human mind and fully satisfy its tendency towards truth; and that nothing but the fruition and love of God, the All-good, the fountain and source of all goodness, can completely fill up the capacity of man's will and fully satisfy

its natural tendency towards the good. Consequently, the knowledge and love of supreme truth and supreme goodness alone are necessary fully and completely to satisfy the specific tendencies and inclinations of human nature.

SCHOLION

Admitting that the final perfection and happiness of his nature is the absolutely ultimate end of man, and that this final perfection and happiness will consist in the contemplation, love and fruition of God, infinitely true, infinitely good and infinitely beautiful, Scholastic philosophers disagree as to what constitutes the **metaphysical essence** of this state of blessedness. St. Thomas holds that the essence of blessedness consists in the contemplation of God alone, and that the love of God and the delight of the will in the fruition of God are but necessary consequences flowing from that contemplation. Duns Scotus, on the other hand, maintains that the essence of blessedness consists in the act of love only. Still others, like Albert the Great, St. Bonaventure, Suarez, teach that it consists in an act of both intellect and will, that is, in the contemplation and in the love of God. This question is not of every great moment. It is certain that the **physical essence** consists in an act of both intellect and will, that is, in the real order the state of blessedness is the result of perfect knowledge and perfect love of God, the supreme truth and the supreme goodness.

DIFFICULTIES

Obj. 1. Blessedness is a state of rest in the possession of the highest and most perfect good, that is, God. *But* such a state of rest in the possession of God is impossible. *Therefore,* blessedness does not consist in the possession of God.

Proof of Minor: To whatever degree man may have attained in the possession of God, he is always capable of a still higher degree and of a still more perfect possession of God. *Therefore,* the state of rest in the possession of God is impossible to man.

Reply. Conc. maj. neg. min.: To the proof of minor: Dist. antec. Man is always **remotely** capable of a still higher degree and of a still more complete possession of God, conc. antec.; **proximately** capable, neg. antec.

Even in the natural order, man would need a special concursus or assistance of God, in order to acquire such knowledge of God as would render him perfectly blessed. (Cf. Th. 15 on Merit.) This special concursus of God, as being demanded by, and due to, man's nature, would, of course, be natural and not supernatural as it is in the present order of Divine Providence. Now, that concursus would vary according to the merits acquired by each individual man, and thus determine the proximate capacity of each for blessedness. His proximate capacity for blessedness being thus completely filled up and satisfied, each man would be perfectly happy and blessed, because he would know that greater blessedness was neither due, nor possible to him, and because his will would, moreover, be in entire conformity with the will of God. Consequently, he neither would nor could desire a higher degree of perfection and happiness.

Obj. 2. Between man and the object of his final perfection and happiness there must be a proper proportion. *But* there is no proportion between God and man. *Therefore,* God is not the object of man's final perfection and happiness.

Reply. Dist. maj.: There must be between them an **entitative** proportion, that is, a proportion based on entitative likeness, neg. maj.; there must be between them an **objective** proportion, that is, a proportion consisting in this, that man is capable and destined to find in the knowledge and fruition of that object his final perfection and happiness, conc. maj. Contrad. min. Neg. concl.

Obj. 3. The capacity of a finite faculty can be filled up by a finite good, just as a vessel of limited capacity is filled by a certain limited amount of water. *But* man's intellect and will are finite faculties. *Therefore,* finite good or goods can satisfy the capacity of man's intellect and will.

Reply. Dist. maj.: The capacity of a faculty which is in every respect finite can be filled up by some finite good or goods, conc. maj.; the capacity of a faculty which is **entitatively** finite, but **objectively** infinite or unlimited in its scope, that is, which tends to an infinite object, can be filled up by some finite good or goods, neg. maj. Contrad. min.

Obj. 4. The object of man's final perfection and happiness ought to be *per se* most properly proportionate to man.

But the goods which are *per se* most properly proportionate to man are sensible goods. *Therefore,* sensible goods are the object of man's final perfection and happiness.

Reply: Dist. Maj.: Ought to be *per se* most properly proportionate to man's **rational** nature, conc. maj.; to man's lower or **sensuous** nature, neg. maj. Contrad. Min.

Inst. Even according to his rational nature, sensible goods are most proportionate to man, because the objects most directly proportionate to the human intellect are the essence of sensible things. *Therefore,* sensible things are the object of man's final perfection and happiness.

Reply. Dist. min. subs.: Sensible things are most proportionate to man in the sense that they are best adapted to satisfy man's rational tendencies towards truth and goodness, neg. min. subs.; in the sense that they are first and *per se* cognoscible by man, sd.: in the present state of man, conc. min. subs.

Reason given may be distinguished in same way.

Obj. 5. The object of our final perfection and happiness is that which we seek for itself and as the final term of our tendency. *But* we seek pleasure for itself and as the final term of our tendency. *Therefore,* pleasure is the object of our final perfection and happiness.

Reply. Dist. Maj.: Which we seek for itself and as the final term of **any** appetitive faculty whatever, neg. maj.; of the **rational** appetitive faculty or will, conc. maj. Contrad. min. We seek pleasure for itself and as our final term, by the sensuous appetite, trans. min.; by our rational appetite or will, sd.: if well regulated, neg. min.; if not well regulated, trans. min. (cf. Thesis 11 on Norm of Goodness.)

> The will is fixed upon the external object primarily, and it is because the will is fixed upon the external object that it desires the state of pleasure or delight which follows on the attainment of its object. In fact every natural craving or desire is primarily directed to an outer object and only secondarily and consequently to the state of itself which that object is to induce, namely, pleasure. Thus the first desire of an animal or of children (the first tendency, for instance, of hunger or thirst)—a desire which is undoubtedly due to the working of the inner nature of the appetite and represents its purely natural operation

—is always a desire for some object other than pleasure. For the desire of pleasure can only arise when experience has made known the existence of pleasure, and, since pleasure arises first on the attainment of some end of desire, it follows that pleasure becomes known to us or is first experienced on the fulfillment of or in the obtaining of the object of one's first desire. Hence, pleasure is not itself the object of the first desire of any appetite. It is evident, of course, that man can deliberately pursue pleasure as though it were his final end, but he cannot do so rationally, nor by innate appetite.

Obj. 6. If God were the object of man's final perfection and happiness, all men would tend towards God. *But* this is not the case. *Therefore,* God is not the object of man's final perfection and happiness.

Reply. Dist. maj.: All men would tend towards God if they followed the rational tendency of their nature, conc. maj.; if they do not follow the rational tendency of their nature, neg. maj. Contrad. min.

Obj. 7. The object of man's final perfection and happiness cannot be something which he cannot attain in this life. *But* God cannot be attained by man in the present life. *Therefore,* God is not the object of man's final perfection and happiness.

Reply. Dist. maj.: Which he cannot perfectly attain and possess in this life, neg. maj.; which, by ordering his actions aright, he cannot merit to attain and possess perfectly in the life to come, conc. maj. Contrad. min. Neg. concl.

Obj. 8. The object of man's final perfection and happiness must be such that it can make the whole nature of man happy. *But* God cannot make the lower or sensuous nature of man happy. *Therefore,* God is not the object of man's final perfection and happiness.

N.B.—This difficulty can be urged only against those who maintain that the resurrection of man's body in a future life is not due to man's nature. It is true that this is the more common teaching of philosophers. However, it should be noted that there are some who contend, and in part at least are led to their contention by the force of this very difficulty, that such a resurrection is natural and due to man.

Reply. Dist. maj.: Must be such that it makes the entire nature of man happy in the state or condition in which that nature is when it reaches its final end, conc. maj.; in any state or condition whatever, neg. maj. Dist. min.: God cannot make the lower or sensuous nature of man **directly** happy or blessed, conc. min.; **indirectly,** sd.: if the body is no longer united to the soul, conc. min.; otherwise, neg. min.

Inst. But the soul of man cannot be perfectly happy when it is separated from the body; for the soul of man is essentially the form of the body and designed to union with the body. Hence, if separated from the body it would be in an unnatural and violent state, and therefore it cannot be happy in such a state of separation.

Reply. Neg. min. subs. Dist. reason assigned. The soul is essentially the form of the body in the sense that it has essentially the aptitude to inform the body, conc.; in the sense that it essentially demands and requires to be actually united to the body, sd.: as long as it has not reached its full perfection as to intellect and will and still needs the body as its instrument, conc.; after it has once reached its full perfection, neg.

Inst. But the human soul is an incomplete substance. Therefore, apart from its complement, the body, it cannot be in its proper and suitable state.

Reply. Dist. antec.: The human soul is an incomplete substance, but intrinsically independent of the body in its characteristic operations of the intellect and will and consequently in its existence, conc. antec.; an incomplete substance intrinsically dependent on the body in its operation and existence, neg. antec. Dist. concl.: Apart from the body, it is not in its proper and suitable state, while it has not yet attained to perfect happiness, conc. concl.; otherwise, neg. concl.

THESIS 9

As blessedness is attainable only in a future life, the ultimate intrinsic end of man relative to this life is such an exercise of volitional activity as will prepare and dispose him for his final state of perfection and happiness.

INTRODUCTION

Blessedness, the absolutely ultimate end of man, consists in man's final perfection and happiness and this, in turn, consists in the perfect knowledge and love of supreme truth and goodness, that is, God. All this we have proved. We have also, in a special way, called attention to the fact that this state of Blessedness, precisely because it is man's last natural end, for which the Creator has implanted in our nature an irresistible and indestructible desire, is possible of man's attainment. The question now arises as to the time when this possibility may be realized. This question is treated in the present thesis.

EXPOSITION

ONLY IN A FUTURE LIFE:

These words contain two propositions:

1) Blessedness **cannot** be attained in the present life.
2) Blessedness **can** be attained in a future life.

In connection with this second proposition, it is necessary to here state another of the POSTULATES of Ethics, drawn again from the Science of Psychology, namely, the IMMORTALITY OF THE SOUL OF MAN. This means that the individual soul or the spiritual principle in man, by which he is a rational and volitional being, will survive the dissolution of the body and continue endlessly to lead a life of activity, exercising its powers of knowing and loving.

RELATIVE TO THIS LIFE:

Our question, therefore, is, in this thesis, not of man's **absolutely** ultimate end, but of his **relatively** ultimate end.

SUCH AN EXERCISE: In this thesis we do not attempt to state or prove what kind of exercise of volitional activity will, as a matter of fact, prepare and dispose man for the attainment of his final perfection. This will be done in theses following. Here we establish merely this: Whatever that kind of activity be which will thus dispose man, that it is which constitutes his last end in this life.

PROOFS

Part I. BLESSEDNESS IS NOT ATTAINABLE IN THIS LIFE.

Blessedness is a state in which 1) all evil is absent; 2) the tendency of the intellect for truth and that of the will for good are fully satisfied.

But such a state is not attainable in this life. *Therefore.*

Major: Clear from what has been proved regarding Blessedness.

Minor:

1) all evil is evidently not absent, for besides the infirmities of the body and external dangers to which the body is always exposed, there are ignorance and error in the intellect; and in the will inclinations to evil which persist even against the desire of man himself, i.e., indeliberate and, therefore, necessary movements of the will.

2) Tendency of intellect for truth is not satisfied, because of lack of clearness and certainty in our knowledge; tendency of will for good is not satisfied because of the insufficiency and insecurity of our possessions, not only of spiritual, but of material goods.

Part II. BLESSEDNESS IS ATTAINABLE IN A FUTURE LIFE.

If blessedness is attainable, then it is attainable either in this life or in a future life, if there be such a life for man.

But Blessedness is attainable. *Therefore.*

But Blessedness is not attainable in this life.

Therefore, Blessedness is attainable in a future life, if there be such a life for man.

But there is such a life for man. *Therefore.*

Major: Evident; there is no other conceivable supposition.

First Minor: Already proved.

Second Minor: Already proved.

Third Minor: A POSTULATE of Ethics.

Part III. THE RELATIVELY ULTIMATE, INTRINSIC END OF MAN IS SUCH AN EXERCISE OF VOLITIONAL ACTIVITY AS WILL PREPARE AND DISPOSE HIM FOR HIS FINAL STATE OF PERFECTION AND HAPPINESS.

A.—The relatively ultimate, intrinsic end of man is that good for the sake of which, in nature's design, all proximate and intermediate ends are finally sought by man's activity in this life and which, in the same design, can and ought to be positively referred to his absolutely ultimate, intrinsic end.

But that good can be nothing else than such an exercise of volitional activity as will prepare and dispose man for his final state of perfection and happiness. *Therefore.*

Major: Clear from the definition of a relatively ultimate end as applied to end of action (not agent), intrinsic end and to man.

Minor:

1) That good can be nothing else than **an exercise of volitional activity.**

   Because, **as every being,** by nature's design, is to be moved towards its absolutely ultimate, intrinsic end **by the use of its own specifically proper** powers of action, **so man,** by the same design of nature, is to be moved towards his absolutely ultimate, intrinsic end **by the use of his volitional activity.**

2) That good can be nothing else than **such** an exercise as will prepare and dispose man for his final state of perfection and happiness.

   Because such an exercise and nothing else contains the **two elements** of that good as described in the major:

   First, such an exercise is evidently the highest point of perfection capable of being realized

within the range of man's volitional activity in this life and, therefore, is properly said to be that for the sake of which, in nature's design, all proximate and intermediate ends are finally sought. **Secondly,** such an exercise, as constituting this highest point of intrinsic perfection possible to man's volitional activity in this life, can and ought, according to nature's design, be referred to man's absolutely ultimate, intrinsic end, otherwise it would not be **positively** subordinated to the absolutely ultimate, intrinsic end and this would mean that it was either co-ordinated with the absolutely ultimate, intrinsic end or at most **merely negatively** subordinated to it.

N.B.—Mere negative subordination of another end to the absolutely last end would mean that the former was a good quite independent of the good which constitutes the absolutely last end, and as such could be sought for its own sake alone, even though only as a secondary good and in so far as its prosecution did not interfere with the prosecution of the absolutely last end.

But the relatively last end **must** be by nature's design **positively** subordinated to the absolutely last, for otherwise nature would be giving man more than one absolutely last end, and so would be declaring man to be more than one being, whereas the unity of man's nature is clearly proved in Psychology.

B.—This third part may be proved more briefly:

This life is either an end in itself subordinated to no higher end, or it is an intermediate end subordinated to our last end, or it has no meaning.

But to affirm that

1) this life has no meaning or purpose is absurd; because it is foolish for God to give this life if it has no meaning or purpose;
2) that this life is an absolutely last end in itself subordinate to no higher end is equally absurd; because if it

were such it would satisfy man. It does not and it cannot. This is clear both from experience and from the nature of man's highest faculties which are objectively infinite and reach out to something infinite. Hence, the finite goods of this life can never satisfy man and, therefore, cannot constitute his last end.

Therefore, it only remains that this life is subordinate to the next life and is a means or intermediate end. Like every other means, it is intended to lead us to our last end, not to impede us in the attainment of the same.

Reason tells us, therefore, that the purpose of this life is to follow such a line of conduct or to adopt such an exercise of our volitional activity as will prepare and dispose us for our final state of perfection and happiness.

C.—In further declaration and confirmation of this last part of thesis we add the following paragraphs:

Man's unitary nature postulates unity of final tendency and end. This unity of final tendency and end is impossible unless all other tendencies and ends are positively subordinated to some final tendency and end of his nature. Hence, the end and purpose of man's life on earth is related to his final end as proximate to ultimate end, that is, the relation of this life towards the life in the hereafter is that of a journey towards the terminus. The ultimate end of man is, as we have seen, blessedness, or the final perfection and happiness of his rational nature. Consequently, the supreme end and purpose of this life can be nothing else but that it should serve as a means or preparation for final perfection and happiness in the hereafter. As the whole earthly existence of man is thus subordinated to, and a preparation for, final perfection and happiness, so, in turn, are all the particular ends and purposes of this life subordinated to the end of preparing for the state of perfection and happiness. Hence, the preparation for final perfection and happiness is the supreme end and purpose of this life.

The dignity and freedom of man, as well as the wisdom of God, demand that this life should be a means and a preparation for the final state of perfection and happiness in the hereafter.

Proof of this statement.

A.—**Dignity and freedom of man.**

The manner in which a being must reach its final end is determined by the nature of that being itself. Hence, while beings devoid of intelligence and free will are driven and impelled to the attainment of their final end and destiny by blind instinct or necessity—that is, in virtue of physically compelling tendencies implanted in them by the Author of their nature—man is capable both of knowing his end and of freely willing it. It is, therefore, in accord with and due to his nature, that he should move towards his end, not by physical necessity, but by deliberate choice and the free determination of his will. A free and deliberate self-direction of man to his final end, such as his nature demands, is not possible unless it is in his power to reach that end or fail to reach it. Were he to attain and reach his final end, whether he will it or no, he would obviously not be free in his striving after it, but would be compelled to reach that end independently of his natural freedom and will.

B.—**Wisdom of God.**

The wisdom of God, too, demands that He should not force final perfection and happiness, which consists in the possession of the supreme and highest good, upon man as if it were a thing of no value, but should give it the character of a reward, which is reserved for those only who freely exercise their powers in such a way as to show themselves worthy of its attainment and possession.

COROLLARIES

I. Hence, final perfection and happiness is promised to man, not absolutely, but only conditionally, namely, on the condition that man, by the proper exercise of his free will, renders himself worthy of it. It is true that God, in so far as this depends on Him, wills all men to attain to final perfection and happiness; but at the same time He wills that all men should merit their state of blessedness by the right use of their freedom. Although, therefore, perfection and happiness are the ultimate, intrinsic end of man, it is not an absolute end, which is to be attained under all circumstances. The

absolute end, to which all other ends, the perfection and happiness of man included, are subordinate, consists in the glorification of God by His creatures, especially man. This end every man is bound to attain, and will inevitably attain, whether he wills it or not.

II. Hence, the present life derives its real meaning from its relation to, and its connection with, man's final perfection and happiness. Because the present short life of man is decisive of his eternal destiny of happiness or unhappiness, it is of such value and such serious importance. Hence, it is that we attach such importance to the last moments of man, and that the death of even a total stranger affects us so deeply. It is the thought, unconscious though it may be in many instances, that for that man the time of preparation is past; his eternal fate, his happiness or misery is irrevocably decided.

III. Since the true value of the things of this earth is to be determined by their relation to the final end of man, i.e., final perfection and happiness, it follows that among all goods those of the will are the highest and most valuable, because they alone lead to the state of final blessedness. All other goods, therefore, such as prosperity, health, honor, fame, power, etc., are of value and importance only in so far as they help us to attain our final end, that is, all these must be subordinated to the highest and final end of man.

III. THE GOOD

THESIS 10

Man's supreme good is the attainment of blessedness.

INTRODUCTION

We have seen in our analysis of the concept which men commonly express by the term "OUGHT," in such Ethical judgments as "I ought to tell the truth," that there is implied in the use of that term the reality of an ultimate end proper for man to aim at in his free actions. We have now further proved, and quite independently of any analysis of said term and even without any necessary advertence to the Ethical Fact itself that such is the case, viz., such an ultimate end is a reality; and further we have established just what this end really is. It is Blessedness or the final perfection of man's rational nature with the happiness consequent upon this perfection. Following upon the establishment of this conclusion, we were led to the further truth that only the lasting possession, through intellect and will, of God Himself, and that in a future life, can render man thus finally perfect and happy. A consequence, in turn, of this truth is that in this present life man's activity has for its final natural end or goal the preparation of man for the actual possession of God in a future life.

A second judgment we found, upon analysis, to be involved in the "OUGHT" of Ethics, namely, that this ultimate end of man is also man's supreme or highest good. In this judgment men use the term "Good" in a sense popularly accepted and universally understood. In the present thesis we will make a scientific study of that term and its implications and will prove—though again entirely apart from our previous analysis and even without any necessary advertence to the Ethical Fact itself—that this second judgment is objectively true, in other words, that there not only is in reality a supreme good for man to seek by his free actions, but that this supreme good is nothing else than the attainment by those same actions of his ultimate end or Blessedness.

EXPOSITION

GOOD is that which satisfies appetence or desire.

N.B.—Such is a definition which expresses the meaning universally attached to this term. By analyzing the same, we will arrive at a more accurate concept of the intrinsic nature of "Goodness."

The power to satisfy appetence involves a relation. The terms of this relation are the faculty **seeking** satisfaction (appetitive faculty) and the object capable of affording satisfaction.

This relation exists only because there is—

a) on the part of the faculty a **need** or a **want**;

b) on the part of the object, which is said to be good, a **fitness** to meet this need or appease this want.

N.B.—WANT is a broader term than NEED. What is needed is always wanted in the strict sense of the word; what is wanted is not always needed.

This FITNESS is, therefore, properly said to constitute the GOODNESS of an object, and as it is something intrinsic to the object, goodness is an intrinsic attribute of object. Further, an object is good, not because it is likeable or desirable, but vice versa.

GOODNESS, therefore, may be defined as "Fitness" or "Suitability" or "Convenience." (Cf. Latin *"convenientia"* from *con* or *cum* plus *venire*—"to come or go together," i.e., to fit in with, to be suitable to). And in the same way—

GOOD may now be more scientifically defined, according to its nature rather than, as in above definition, according to one of the consequences of that nature, as "that which is fitting or suitable."

SUPREME GOOD, therefore, is that which is in the **highest degree** fitting or suitable; that which, when present, affords everything suitable, everything, therefore, for which there can be in the being an appetite or desire, and so satisfies completely **all** appetence or desire.

DIVISIONS OF GOOD

A.—**PERFECTIVE** GOOD is that which is fitting to supply an absent perfection, either needed or wanted, or to remove a present imperfection.

DELECTABLE GOOD is that which is fitting to relieve the dissatisfaction felt at the absence of a perfection or the presence of an imperfection.

N.B.—The relations between these two kinds of good will be more clearly seen if we consider the following:

Concomitant with and arising from the absence of a desired perfection or the presence of an undesired imperfection in a conscious being, there is a consciousness of dissatisfaction ranging from mere discontent to pain. This dissatisfaction is itself discordant to the nature affected by it, and this nature, conscious of this dissatisfaction, seeks relief from it, and thus relief of dissatisfaction is a thing which, when had, satisfies appetence and so is a good, according to the definition given above, and a delectable good. But this satisfaction is afforded (delectable good attained) through the presence of the perfective good which meets a more fundamental need or want of the nature.

USEFUL GOOD is that which is fitting to help as a means to the attainment of perfective good or delectable good.

N.B.—USEFUL Good is, therefore, a good whose desirability (appetibility) is grounded on something altogether extrinsic to itself, namely, on that (perfective or delectable good) to the attainment of which it is useful. Outside of this usefulness, it is not at all desirable (appetible) because, outside of its fitness as a means, it has no fitness or suitability.

B.—**REAL** GOOD is perfective good that befits or is suitable to the unitary nature as such of a being (v.g., man) or to some faculty in due subordination to the unitary nature as such.

APPARENT GOOD is perfective good that befits or is suitable to a faculty out of due subordination to the unitary nature as such.

PROOF

The supreme good of (the thing supremely fitting to) any nature is that which constitutes the greatest perfection of which that nature is capable.

But the attainment of Blessedness constitutes the greatest perfection of which man's nature is capable. *Therefore.*

Major: clear from the definitions and explanations already given of the ideas of "good," "nature" and "perfection."

Minor: also clear from Thesis 7. **Confirmed as follows:** **Good** of man is that which is **fitting** and **desirable** for man and must be found in the exercise of an activity. **Supreme** good is that which is **so fitting** that it fills every want and meets every need, and **so desirable** that it is always desirable in itself for its own sake and never as a means to anything else, and must be found in the **activity** of man's **intellectual** and **volitional** life.

Therefore this supreme good is the attainment of Blessedness, since all this corresponds exactly with what we have established in Thesis 7 regarding Blessedness as man's last end.

SCHOLION

Aristotle's term signifying man's supreme good is *Eudaimonia.*

THESIS 11

The proximate norm of goodness in man's volitional activity is rational nature looked at in itself and in all its essential relations; the ultimate norm is the divine nature.

INTRODUCTION

We have seen that man's supreme good consists in those actions by which he attains his ultimate end, is rendered finally perfect and completely satisfied or happy. These actions, therefore, constitute the supremely fitting or suitable thing for man; and the volitional actions of his present life—by which, according to Thesis 9, he is to prepare and dispose himself to reach his absolutely last end—will evidently be such as to accomplish this only when they are also in their own degree fitting or suitable, in other words, only when they are good. Hence, the importance of determining which volitional actions are good, which are not, and what constitutes them either good or not good. The present thesis aims at determining these two things.

EXPOSITION

NORM: a standard or measure.

NORM OF GOODNESS is, therefore, a standard or measure of goodness. Since goodness is in concept a relative thing, in this sense that it involves a reference to the thing to which or for which or in relation to which it is said to be goodness, it necessarily presupposes some measure or standard by which it can be shown to be goodness (that is fitness or suitability) rather than the opposite—badness (unfitness or unsuitability).

ACTIVITY: Goodness or badness in action can mean nothing else than the fitness or unfitness of the action to the thing acting, that is, to the nature of the agent, for it is this nature which is the primary principle by which the actions are produced and the subject immediately modified by these actions.

It is, therefore, evident on a mere analysis of these ideas that the standard or measure—the norm—of goodness or badness of any and all actions can be nothing else than the nature of the agent which produces them.

The agent we are dealing with here is **man** and therefore there is question of the goodness or badness of **man's** actions, and so again the norm of such goodness and badness can be nothing else than **man's nature.**

Why, then, the need of any further explanation or proof? The need lies precisely in this, that man's nature is a very complex thing, and in order to make this norm, by relation to which his acts are constituted good or bad, a thing of practical value to man in judging of his particular acts and their power of leading him to his last end, it is necessary to state more explicitly exactly what is implied in the expression "man's nature." This is what the present thesis does by stating and proving (merely by analysis of the idea of goodness and of the idea of man's nature) that the proximate norm is rational nature looked at in itself and in all the relations which are essential to it.

PROXIMATE NORM, as distinguished from **ultimate,** is the standard or measure **nearest** to the action in question, the standard or measure in **immediate** relation to which the action is constituted good or bad.

ULTIMATE NORM is, therefore, that on which ultimately the proximate standard or measure depends, or that which is the reason why the proximate standard is just what it is. It is, therefore, the ultimate or original measure of all that is measured by the proximate norm.

NATURE is the substance of a thing considered precisely in so far as it is the source or principle of the powers of action of that thing. (Cf. Thesis 7, the N.B. under definition of Blessedness.)

RATIONAL NATURE is that nature whose specifically characteristic perfection or activity is rationality, though it may have other and less perfect kinds of activity also, which are so adjusted and subordinated to this rational activity as to preserve the being's natural unity.

LOOKED AT IN ITSELF, i.e., irrespective of whatever relationships it may have to other things extrinsic to itself.

It is important to note that this phrase is not to be understood to imply that man's reason or his higher nature, considered in and by itself alone, i.e., apart from and to the exclusion of his lower or animal nature, is the norm or standard, by relation to which man's conduct is constituted good or bad. If this were the case, it would follow that all actions, if there be any such, which are fitted to promote the bodily welfare of man and at the same time have no direct influence on his rational life, would have to be regarded as bad or at least indifferent, and this is manifestly false. What is meant by this phrase is that the norm is man's nature as it actually is in itself, with all its constituent parts, rational, sentient and vegetative, and with the order and arrangement which, by nature's plan and action, **objectively** exists between these same parts. This order is, as a matter of fact, an order of **subordination** of the sentient and vegetative nature of man to his rational nature, but this is far from saying that the subordinated nature is not to be considered in determining the fitness (goodness) of actions. The truth is evidently this, that actions suited and fitted to the lower powers of man's composite nature are **really** good, provided they promote, at least indirectly, the well-being of his higher nature; on the other hand, actions which in themselves are fitting to man's higher nature as such may be nevertheless **really** bad. The latter is the case whenever such actions fail to take into account the reasonable demands of the lower nature and are, in consequence, unsuited and injurious to man considered adequately and completely, in other words, unsuited to man's nature **"looked at in itself."**

ESSENTIAL RELATIONS, i.e., looked at just as it **objectively** exists in whatever relationships it is, by its very essence, involved with reference to other beings. That man is thus involved and is not an isolated and solitary being is evident from the following considerations:

As a **CONTINGENT** nature, owing origin and continued existence to the Creator and the meaning and value of this existence to the Creator's design, man has the essential relationship of DEPENDENCE UPON GOD. Hence —to apply what we state in this thesis to be our norm— any action that is in harmony with this dependence is, so

far as this essential relationship is concerned, fitting to man's nature and therefore good; any action opposed to it is necessarily unsuited to his nature and therefore bad.

As a **SOCIAL** nature, allied by innate impulse, needs and destiny with other social beings, man has the essential relationship of EQUALITY WITH HIS FELLOW MAN. Hence—to apply again our norm—whatever makes the social life, which reason demands, possible, whatever strengthens it or contributes to its development and growth, is, **so far as this essential relationship is concerned,** fitting to man's nature and therefore good; on the other hand, whatever hinders or disturbs the social life, whatever tends to subvert society is for that very reason unsuited and unfitting to man's nature and therefore bad.

As a **PROPRIETARY** nature, intended by God to possess and exercise direct dominion over all other (i.e., irrational) created things, so that by the use of these things he may be assisted in the attainment of his own end, man has the essential relationship of STEWARDSHIP OF ALL IRRATIONAL CREATION. Hence—to apply our norm again—whenever man makes use of these creatures, in accordance with this intention of His Master (as a **steward** should), he is acting, **so far as this essential relationship is concerned,** in accordance with his nature and so performing a good action; whenever he uses them in any other way, his action is bad.

PROOFS

Part 1. THE PROXIMATE NORM OF GOODNESS IN MAN'S VOLITIONAL ACTIVITY IS RATIONAL NATURE LOOKED AT IN ITSELF AND IN ALL ITS ESSENTIAL RELATIONS.

The **proximate** norm in man's volitional activity is that in **immediate** relation to which a volitional act is constituted good.

But that in immediate relation to which a volitional act is constituted good is rational nature looked at in itself and in all its essential relations. *Therefore.*

Major: A definition of proximate norm of goodness in man's volitional activity.

Minor: A volitional act is constituted good by that which makes it perfective of the nature of the human agent.

But that which makes a human act perfective of the nature of the human agent is the immediate relation in which the act stands towards rational nature looked at in itself and in all its essential relationships.

Major: The good of any being is the perfection proper to that being; therefore, the good of any nature is the activity proper to that agent; therefore, the good of man is the activity proper to man.

But activity is proper to, and so is good for any agent just in so far as it tends to perfect that agent's nature.

Therefore man's activity (i.e., Volitional activity) is good just in so far as it tends to perfect man's nature.

Minor: For it is only the immediate relation which any act has to the nature of the thing acting that makes that act perfective or destructive of the nature of the particular agent. And this immediate relation of act to nature of agent will necessarily be determined, not only by the kind of act, but also by the kind of nature of agent, that is, by what the agent is in itself and by what its essential relationships to other beings are.

N.B.—By tending to **perfect** an agent's nature, we mean that good acts tend, as it were, to **reproduce** within the agent's own being the order of things objectively established in nature (cf. Fr. Kane's *Worth*, p. 72, line 17) and by so doing to strengthen, in a sense, and render more solid and enduring the elements of that very objective order in the particular agent's individual nature.

These elements in man's nature are as we have seen—

1) rationality and subordination of lower to higher appetites in his composite but harmoniously adjusted individual nature,
2) co-ordination and essential equality in mutual rights and duties with the other social natures to which he is allied by common, innate impulses, needs and destiny,
3) supreme and complete dependence upon his Creator and
4) proprietorship or, more accurately, stewardship in the use of irrational creatures.

Part II. THE ULTIMATE NORM IS THE DIVINE NATURE.

The ultimate norm of goodness is that which is the final objective basis and reason of rational nature, in so far as this latter is the proximate norm.

But the final objective basis and reason of rational nature is the Divine Nature. *Therefore.*

Major: a definition and description of ultimate norm of goodness.

Minor: For God is the efficient and archetypal cause of man's nature; the Author of all activities, tendencies and faculties, with which man is endowed. God is, therefore, the ultimate reason why man tends to certain objects and ends, and why man, in tending to certain ends and objects, acts in conformity with his nature, and why, in tending to certain other ends and objects, he acts contrary to his nature. And being the ultimate reason why certain actions are fitting and suited to man as a rational being and why certain other actions are unsuited and unbefitting to man, God is the absolutely ultimate norm of what is good or bad. Moreover, since God is the efficient and archetypal cause not only of man, but of all possible rational beings, He is the ultimate norm of goodness for all rational beings, that is, He is the absolutely ultimate and universal norm of all goodness. Just as the essence of God is, therefore, the primal source and the norm of all being, so is It the primal source and the norm of all goodness.

DIFFICULTIES

Obj. 1. If the rational nature of man is the proximate norm of goodness, the actions which are conformable to his lower or sensuous nature, such as eating, sleeping, etc., cannot be really good. *But* this is evidently false. *Therefore*, the rational nature of man is not the proximate norm of goodness.

Reply. Dist. maj.: If the rational nature of man, considered incompletely and inadequately, were the proximate norm, those actions would not be really good, conc. maj.; if the rational nature of man, adequately and completely considered, is the proximate norm, those actions would not be really good, sd.: when done in a proper manner, neg. maj.; when done in an improper manner, conc. maj. Contrad. min. Neg. concl.

Obj. 2. Actions which are injurious to the human race are bad. *But* this supposes that utility is the norm of goodness. *Therefore,* the rational nature of man is not the norm of goodness.

Reply. Conc. maj. Dist. min.: This implies that utility is the norm constitutive of goodness, neg. min.; is a norm declarative of goodness, conc. min. Dist. concl. in same way.

It is true that if an action affects the race prejudicially, it is bad. But the act is bad, not because it works evil effects on the race, but because it is unnatural, i.e., opposed to rational human nature as a social nature, and, hence, leads away from the ultimate end. For man is by nature a social being, and therefore an action which is prejudicial to the race cannot be in conformity with man's nature, but is necessarily bad. Hence the general principle:

"An act which, if raised to a general line of conduct, would work evil for the race, is bad, not merely when it is generally adopted and when it does actually work evil, but in each particular case in which it is performed, and whether evil effects actually follow in the particular case or not."

Utility is a norm which manifests an action as bad, but it is not a constituent norm which makes an action bad. Poison food is not bad because it is painful or injurious, but it is painful and injurious because it is bad. Because it disagrees with my stomach, because it is unsuitable for my nature. The injury or pain is an effect of the evil, not the cause of the evil.

Likewise, a man is not sick because the doctor's thermometer goes up, but the doctor's thermometer goes up because the man is sick. The man was sick before the thermometer was put into his mouth. The high temperature registered is only a norm manifesting the fever. It does not cause the fever.

So, too, an action is injurious because it is bad; it is not bad because it is injurious.

Obj. 3. Those actions are good which men in general regard as good, those actions are evil which men in general regard as evil. *But* this implies that the common convictions of men are the norm of goodness. *Therefore,* rational human nature is not the proximate norm of goodness.

Reply. Dist. maj.: Those actions are good because they are regarded as good by men in general, neg. maj.; they are regarded as good by men in general because they are good in themselves, i.e., in themselves suited and fitting to man as a rational being, conc. maj. Dist. min. They are the intrinsic and constitutive norm of goodness, neg. min.; they are an extrinsic and declarative norm of goodness, conc. min.

Obj. 4. Actions are good or bad according as they are approved or disapproved of by our "Moral Feelings." *Therefore*, our "Moral Feelings" are the norm of goodness.

Reply. Dist. antec.: They are good or bad because they are approved or disapproved of by our "Moral Feelings," as in themselves good or bad, sd.: if these feelings are guided by reason, conc. antec.; otherwise, trans. antec. Dist. concl. They are the intrinsic norm, neg. concl.; they are an extrinsic norm, sd.: if guided by Reason, conc. concl.; if not guided by Reason, neg. concl.

Obj. 5. What is conducive to the general well-being of the race is good; what is derogatory to the general well-being of the race is evil. *But* this proves that the general well-being of the race is the norm of goodness. *Therefore*, man's rational nature as such is not the proximate norm of goodness.

Reply. Dist. maj.: What is conducive or derogatory to the general well-being of the race is good or bad, because conducive or derogatory to the well-being of the race, neg. maj.; is good or bad because suitable or unsuitable to man as a social being, conc. maj. Dist. min. The general well-being of the race is the intrinsic norm of goodness, neg. min.; is a norm declarative of good and evil, conc. min.

THESIS 12

Utilitarianism, Sentimentalism and Moral Rationalism must be rejected as explanations of the nature and norm of morality.

INTRODUCTION

In the previous thesis we established just what it is that makes a man's conduct or volitional activity **really** good or bad, namely, harmony or discord, proximately with rational nature looked at in itself and all its essential relationships, ultimately with the Divine Nature. But as has been mentioned in Thesis 2, volitional actions are also called and properly called Moral actions. Therefore, we may properly speak of the **real** good and bad in man's conduct as **moral** good and bad, and we may further call the norm of that goodness and badness the norm of **moral** goodness and badness. Or more briefly we may, as all authors do, use the term "MORALITY" to designate in general the quality of goodness or badness in man's actions and so call the norm of such goodness or badness **the norm of morality.**

For "moral" in the expression, "moral good," merely adds to the expression "real good," a relation to the norm of volitional activity, a relation which it is evident can be had only in the case of man, since only man has volitional activity. MATERIALLY, then, volitional acts and moral acts are the same thing, but FORMALLY, i.e., according to the precise element or feature emphasized by these different names, they differ in this:

1) The act is said to be **volitional** inasmuch as it involves such intellectual knowledge as gives grounds for deliberation and freedom of choice;

2) The same act is said to be **moral** inasmuch as it involves the particular knowledge of its own harmony or discord with the norm of goodness.

Now the real significance and importance of the conclusion established in Thesis 11 is made clear if we compare it with the conclusion established in Thesis 9. In the latter we proved that man's relatively last end (last end of his activity

in this present life) was such an exercise of volitional activity as will prepare and dispose him for his final state of perfection and happiness (his absolutely last end), but we did not attempt there to discover what kind of activity was such. Theses 10 and 11 make it clear that such activity can be only that activity which is in harmony with rational nature or, as we may now say, morally good activity. For only morally good actions, from their very concept as explained in these theses, can perfect man and only by being perfected can man attain to his supreme perfection or good which we have seen to consist in reality in the attainment of his absolutely last end. Therefore, only by morally good actions can man attain to his absolutely last end and so the exercise of morally good and the avoidance of morally bad actions constitute the relatively last end of man, his purpose in this present life.

From all this it should be evident that the subject of **MORALITY** is of the highest importance. For this reason, as well as because there are so many different and such radically false views on the nature of morality and the standard or norm of morality, the present thesis will explain briefly and indicate the errors of the main classes of opinions on the subject. To one or other or some combination of these false opinions, all erroneous views on the subject of morality may be reduced.

EXPOSITION*

I. UTILITARIANISM OR HEDONISM.

This is the system of those who hold that the essence of morality consists in the utility of human actions for attaining the temporal welfare or happiness of man; so that actions are to be regarded as morally good or morally bad, according as they do or do not contribute towards the attainment of this temporal well-being or happiness.

"The principle which is common to all the forms of Utilitarianism may be formulated as follows: *Utility is the true standard of morality; if you wish to know whether an action is good or bad morally, find out whether it is useful or not. If useful, it is good; if hurtful, it is bad. Virtue, no doubt is an excellent thing in its way; but it is excellent because it gives the greatest amount and the highest order of pleasure.* Here is the whole system, stripped of its accessories and of its sentimental dress. For the thorough-going utilitarian there is no difference between utility and

*In the exposition and refutation of the systems enumerated, the material has been drawn almost entirely from the works of Cronin, Hickey, Cathrein, and Ming, synopsized and arranged by Fr. Frederick Meyer, S.J.

morality—they are convertible terms." Holaind, *Natural Law and Legal Practice,* p. 118.

Utilitarianism assumes different forms according to the different ways in which its adherents interpret utility as the test and criterion of morality. Its principal forms are the following:

1) **Individual Utilitarianism or Egoistic Hedonism.**—This theory teaches that the end of each man and that which each ought to seek is his own greatest personal pleasure; and that consequently those actions are to be regarded as right and good which promote or increase that personal pleasure of each, and those actions are wrong and bad which tend to produce the reverse of that pleasure. If an action brings both pleasure and pain, it is good or bad according as the one or the other predominates. Since "pleasure" or "happiness" has many meanings, Egoistic Hedonism may range in its varieties of signification from the happiness or pleasure which results from the gratification of man's animal instincts to the happiness which the soul enjoys in contemplating its Creator. Thus we have the Hedonism of Hobbes, according to whom 'whatever is the object of any man's desire that it is which he for his part calleth good'; the Hedonism of Aristippus and of the Cyrenaic School, who gave the preference to mental pleasure; the Hedonism of Butler, which includes in its enumeration of pleasures those which we are to receive in heaven as a reward of good action.

2) **Social Utilitarianism, Universalistic Hedonism or Altruism.**—This is the system of those who maintain that the ultimate end of the individual and what each ought to seek is the happiness of mankind at large, or of society—that what we ought to aim at in our actions is the well-being of others. Consequently, actions are right and good or wrong and bad morally, according as they promote or hinder the happiness or well-being of human society; and in proportion as an action is conducive or injurious to the common good of society, in the same proportion is that action better or worse morally. The theories of Universalistic Hedonism are, like those of Egoistic Hedonism many and of great diversity—for instance, Bentham's and Mill's theory that the act is good which gives the greatest possible amount of pleasure to the greatest number of sentient beings; Cumberland's theory that the pleasure of human society is the only end; Comte's and Fichte's theory

of pure Altruism that the end of the individual is the happiness of all other men exclusive of his own, regard to one's self being considered in this system, if not bad, at least unmoral; the modified form of altruism advocated by Shaftesbury that "the natural predominance of benevolence is good and the subjection of selfishness is virtue."

3) **Herbert Spencer's** (1820-1903) Teaching.—Spencer applies his materialistic theory of evolution to Ethics, tries to reconcile Egoistic and Universalistic Hedonism. John S. Mackenzie gives the drift of Spencer's doctrine on this subject: "Mr. Spencer begins by trying to determine what we mean by conduct, and what we mean by calling conduct good or bad. He examines this question by going back to the life of the lower animals. In all life there is what may be called conduct, and in all life it may be good or bad. Now the essence of life, as seen in its lowest forms, consists, according to Mr. Spencer, in 'the continuous adjustment of internal relations to external relations' i.e., the constant effort of an organism to adapt itself to its environment. All conduct tends either to promote or to hinder such adaptation. In so far as it tends to promote it, it is good; in so far as it tends to hinder it, it is bad. Good conduct produces pleasure, because it brings the organism in harmony with its surroundings. Bad conduct produces pain. Nearly all conduct is partly good and partly bad. Perfectly good conduct would be that which produces only pleasure with no accompanying pain. But conduct is relatively good when it tends on the whole to produce a surplus of pleasure over pain, i.e., when it tends on the whole to produce a more perfect adjustment of organism to environment. The supreme moral end is to help on the process of development, which consists in a more and more perfect adjustment of internal relations to external relations." *Manual of Ethics,* p. 238.

According to Spencer's system, therefore, those actions are simply or perfectly good which increase and further life, or, what comes to the same, which bring pleasure without any admixture of pain. Perfect happiness, pure pleasure with no accompanying pain, the greatest possible happiness of each and all, coincides with perfect morality, that is, the highest evolved conduct of the highest evolved being. Such perfectly good conduct, however, conduct which produces only pleasure with no admixture of pain, is impossible at present. Man has arrived at but a comparatively low stage of development;

he is only very imperfectly and incompletely adapted to the social state. By reason of this very incomplete adaptation and adjustment to environments, there arise many unavoidable conflicts and collisions between man's self-regarding and his other-regarding impulses, between his egoistic and his altruistic instincts, between the good of the self and the good of society. In consequence of this "there are necessitated successive compromises between the moral code which asserts the claims of society versus those of the individual, and the moral code which asserts the claims of the individual versus those of society." Hence, at present, perfectly good conduct is impossible. At its best the good can, at present, be only "the least wrong."

But according to Spencer, man will not forever remain on this low level of Egoism. The present is merely a transitional stage in the development of the human race. As this process of development advances, differences between the claims and interests of the individual and the claims and interests of society will be more and more perfectly adjusted; individual men will more and more perfectly adapt themselves to their environments, that is, they will find greater and greater pleasure in serving society and in promoting the general welfare; undue egoistic impulses and desires will be more and more completely restrained; and finally, recognizing that the general claims and interests of society must be placed above all the claims and interests of the self, men will find their greatest and, indeed, their only pleasure and happiness in the promotion of the common happiness and welfare of the race and the striving after the common happiness and welfare will be the mainspring of all their actions. Adaptation thus having reached its highest degree, pain will be reduced to its minimum, and every action will yield the purest pleasure. This degree of adjustment is to be attained by the development of the passion of sympathy. For development of sympathy must tend to make conduct altruistic. But sympathy is twofold—sympathy with joy and sympathy with sorrow. Sympathy with sorrow pains, and therefore impairs life; sympathy with joy pleases, and therefore increases and furthers life. Hence, it is only when all sorrow shall have ceased that sympathy will have reached its full efficiency as a world-force. Then we shall have no difficulty in doing good to others.

"This is the normal state of mankind, in which all is perfect, and every perfection assumes an ideal form, the climax of evolution and of morality, the paradise of happiness, the fullness of the purest pleasures,

in which, as in his ultimate end, man shall find his final rest. It is a happiness, however, which, though enjoyed by all, is essentially personal. For, arising as it does from individual adjustments, it is directly the gratification of everyone's individual desires and inclinations. Yet co-operation is, therefore, not excluded, but is, on the contrary, required, both to reach the necessary adjustment and to enjoy beatific bliss. For the requisite adjustment can be attained only in social life, and perfect bliss results, to a greater extent, from the pleasures of all shared by each through disinterested sympathy. In short, general happiness refers to a special happiness as a means to an end. Such is the new heaven promised by Herbert Spencer, to be enjoyed not in an uncertain life to come, but on earth, in the natural course of things and according to the laws of the visible universe."—Ming, *The Data of Modern Ethics Examined,* p. 50.

4) **Schopenhauer's** (the father of Modern Pessimism) teaching may also be classified with that of the Utilitarians. According to his theory, positive pleasure or happiness is impossible. The only happiness possible to man is absence from misery and pain. Hence, for him those actions only are right and good which proceed from the feeling of compassion, and which, being done without any selfish motive, tend to promote the common good or to alleviate the miseries and sufferings of others.

II. SENTIMENTALISM OR MORAL SENSISM.

According to this system, there is in man a **special faculty, distinct from intellect or reason,** for the perception of good or evil—a special **moral sense** which intuitively distinguishes right from wrong in about the same way that the sense of taste distinguishes bitter from sweet, and the sense of vision, blue from red. This moral sense is a kind of natural instinct which reveals what is good and what is bad. Hence, in the opinion of the adherents of Moral Sensism, those actions are right and good which agree with and are pleasing to moral sense; those actions are wrong and evil which disagree with and are displeasing to moral sense. Thus Shaftesbury, Hume, and especially philosophers of the Scottish school, Reid and others.

According to the German philosopher, Jacobi, man is endowed with a certain **feeling** by which he distinguishes between good and bad. Adam Smith proposes the feeling of **sympathy** as the criterion of morality. By sympathy is meant the tendency to share the feelings with others, to suffer when they are afflicted, and to rejoice when they are joyful. In his opinion, therefore, those actions are morally good which produce in others a certain sympathy or fellow-feeling; those

actions are morally bad which excite antipathy in others. "To approve or condemn the actions of others is simply to recognize that we are, or are not, in sympathy with them, and that we also should feel right or wrong if we performed the same actions. The sentiment of obligation is simply the fear of exciting antipathy in others. Hence, one must endeavor to have the sympathy of the greatest number of men. As those who judge the value of actions may be more or less depraved and prejudiced, and as the danger of prejudice is greatest when a man passes a judgment on the value of his own actions, an appeal must be made to an **onlooker,** disinterested and impartial. It is his sympathy which man must try to deserve." Hence this principle or maxim: **"Always act in such a way that the disinterested and impartial onlooker can sympathize with you."**

I. F. Herbart assumes a certain moral taste as the standard and norm of morality, and regards Ethics as a part of Esthetics.

III. KANT'S MORAL RATIONALISM.

According to Kant "there is nothing simply good but the good-will" because the good-will alone has an absolute value independently of the success or failure of our actions. That will alone is good which does what the law commands and does it solely **out of pure respect for the moral law itself,** and disregards all other ends and results, i.e., he alone acts morally who observes the law from the pure sense of duty, or out of reverence for the law. Whoever observes the law from any other motive aside from the pure sense of duty, acts indeed legally, but not morally. In the opinion of Kant, therefore, to act morally it is not sufficient that the will conform to law; it is, moreover, required that reverence and respect for law, the sense of duty, be the sole motive which induces the will to act in conformity with the law. For true morality demands harmony or agreement between the law, which we observe, and our maxim, i.e., the motive from which, or the subjective principle on which, we conform to the law. Moreover, since the moral law is universal and equally valid for all men without exception, the maxim or principle on which we act, is good only when it can take the form of a universal law, or, as Kant himself puts it, **"When we can at the same time will that our maxim (or principle) should become a universal law for all men"**; so that the prin-

ciples on which we act must be principles that we can adopt throughout the whole of our lives, and that we can apply to the lives of others.

Kant illustrates the application of his formula by taking such a case as breaking promises. It is wrong to break a promise, because the breach of a promise is a kind of action which could not be universalized. If it were a universal rule that everyone were to break his promises, whenever he felt inclined, no one would place any reliance on promises. Promises, in fact, would cease to be made. And of course, if they were not made, they could not be broken. Hence, it would be impossible for everyone to break his promise. And since it is impossible for everyone, it must be wrong for any one. The essence of wrong-doing consists in making an exception. Similarly, it may easily be shown that we could not, without a certain absurdity, have a universal suicide, or universal stealing, or even universal indifference to the misfortunes of others. Since, then, we cannot really will that such acts should be done by everyone, we have no right to will that we ourselves should do them. In fact, the moral law is—**"Act only in such a way as you could will that everyone else should act under the same general conditions."**—Mackenzie, *Manual of Ethics,* p. 191.

Since the "good-will" as such, i.e., the will to act in conformity with, and from the pure sense of duty, is the only real moral good, the **matter** or the object of the will in no way contributes towards the morality of an act. For this reason the norm of morality is, in the opinion of Kant, in no way concerned with the **matter** or object of the will's act, but solely with the **form,** i.e., with the motive or principle of willing.

It follows, therefore, that when we act for some external end, i.e., for the sake of some good which experience makes known to us, we do not act morally; we act morally then only when we are induced to action by pure reverence for the moral law; so that in complying with the law out of mere respect for its authority, the very essence of morality consists. Obedience to law from any other motive whatever, or from the desire of any good to be obtained, Kant would not regard as moral. Even happiness as the supreme good, and virtue as the necessary condition of the latter, ought not to be aspired to for their own sakes, but only because reason by its laws commands us to create them.

It follows, furthermore, that **autonomy** is essential to morality, i.e., the will can act from the pure sense of duty only when it is not subject to any extrinsic law, to any law outside itself, but is a law to itself. Practical Reason, there-

fore, which Kant identifies with the Rational Will, is autonomous, i.e., has its laws entirely within itself, is an end unto itself, originates or creates the moral law to which, in the traditional Ethics, it was supposed to be merely subject. This theory of Kant, that practical reason or will creates its own law, is a law and an end unto itself, is known as the **Autonomy of Reason.** The theory that man receives the moral law from another or from anything outside himself Kant calls the theory of "heteronomy." This latter theory, he declares, is the source of all spurious Ethics, as the theory of Autonomy is the source of all pure and genuine Ethics. The universal and absolute **form** in which the autonomous Reason sets forth the law it has itself originated, is called by Kant the categorical imperative, in order to distinguish it from hypothetical imperatives, which command only **conditionally,** e.g., "if you do not wish to go begging in old age, you must labor in youth."

PROOFS

Part I. UTILITARIANISM MUST BE REJECTED.

Utilitarianism, under whatever form it may be proposed, is based on the two assumptions:

1) that the final end of man consists in the attainment and possession of some finite good, and

2) that human actions are good or bad morally, according as they contribute towards the attainment and possession of that finite good.

But these assumptions are false. *Therefore.*

Minor: 1) proved in Theses 7 and 8.

2) Follows as necessary consequence of 1) proved.

Confirmation of Minor:

a) Consciousness testifies that not every action which is conducive to the welfare either of the individual or of the race is for that very reason morally good, and that not every action which is opposed to individual or to common welfare is by that very fact morally bad;

b) The common consent of mankind, too, testifies that neither the welfare of the self nor that of society can be the test or standard of morality; for there are many actions which, though they are beneficial to the temporal progress and welfare either of the self or of society, are in the opinion of all morally

bad and blameworthy, and on the other hand there are certain other actions which, although they in no way contribute towards either private or public well-being, nay, are even opposed to it, are nevertheless regarded by all as good and praiseworthy.

"When moralists assert that what we call virtue derives its reputation solely from its utility, and that the interest of the agent is the one motive to practice it, our first question is, naturally, how far this theory agrees with the feelings and with the language of mankind. But if tested by this criterion, there never was a doctrine more emphatically condemned than Utilitarianism. In all its stages and in all its assertions, it is in direct opposition to common sentiments. In all nations and in all ages, the ideas of interest and utility on the one hand, and virtue on the other, have been regarded by the multitude as perfectly distinct, and all languages recognize the distinction. The terms, honor, justice, rectitude or virtue, and their equivalent in every language, present to the mind ideas essentially and broadly different from the terms prudence, sagacity, or interest. The two lines of conduct may coincide, but they are never confused, and we have not the slightest difficulty in imagining them antagonistic." Lecky, *European Morals,* vol. I, p. 34.

Part II. MORAL SENSISM MUST BE REJECTED.

The special moral sense, that is, a special faculty in man, distinct from intellect or reason, for the perception of what is good and what is bad, whether it be called sense, feeling, sympathy or taste, is a pure fiction. There is no evidence to show that man is endowed with any such special faculty. But even if man did possess such a special faculty, a special moral sense for the perception of good and evil, it could not be the norm of morality; it would at most be a subjective norm by which to know and discern what is good and what is bad. The true norm of morality cannot be merely **subjective**; it must be **objective**, i.e., it must be the **objective reason** why certain actions are morally good and why certain other actions are morally bad. Moreover, even if there were a special moral sense, it could not be the ultimate norm of morality. For the same action may be both agreeable and disagreeable from different points of view. In such a case how is the moral sense to decide which of the two feelings must prevail?

Thus a physician may have to choose between self-sacrifice in relieving the suffering of a man having a con-

tagious disease, and the love of his own life and of his family. In such cases appeal must be made to some other norm and ideal. In other words, we may speak of moral taste or feeling, but a **rational explanation of it must be given.** It must be determined why certain actions are in conformity with, and others in opposition to, the moral sense. Thus it becomes possible to criticise the actions of others, and to refer them to certain rules which are not, like individual feelings, subject to endless variations. In fact, all admit that there is a depraved and a correct moral taste, and, therefore, refer it to some higher norm.

Part III. KANT'S MORAL RATIONALISM MUST BE REJECTED.

1) The whole Ethical system of Kant is based on an entirely false assumption. For the fundamental assumption in Kant's system is the principle, that that will alone is morally good which obeys the law solely out of respect for its authority, i.e., which acts conformably to law from the pure sense of duty. In proof of this strange assertion, Kant appeals to common psychological experience. But is this principle really a common psychological experience? Do men really judge that the will performs a moral action only when moved and determined by the pure sense of duty? Do men really think that any other motive but the sense of duty destroys the morality of an action? This is surely not the case. For many actions are regarded by all as morally right and good, even though they do not proceed from the pure sense of duty. Thus the woman who is moved by her mother's love to attend to her sick child, the philanthropist who helps his fellow men out of sympathy and pity, the men and women who, though not in duty bound, devote themselves to the service of the sick—these and many others, in the opinion of all right-thinking men, perform morally good and praiseworthy actions. So far, indeed, are men from regarding the sense of duty as the only source of morality, that they are wont to attach the highest moral worth to heroic acts of charity, of patriotism, of benevolence, etc., precisely because they are performed without being enjoined by strict duty. It is clear, then, that in the opinion of men the sense of duty is not the only source of morality.

2) Kant's Categorical imperative—"Act so that the maxim of the will may be capable of becoming a universal law"—is not the ultimate norm of good and evil in human conduct. For there are many morally good acts that could not possibly become a law for all. A healthy man has duties that could not bind a sick man. Our duties depend often on circumstances of person, time and place. For these Kant makes no allowance. Moreover, some courses that are morally good and lawful are good only as long as they **do not** become a universal law. It is lawful, for instance, for a man to remain a bachelor. But all could not do so.

3) Kant's theory of the Autonomy of Reason supposes that every distinction of good and evil in human conduct is **merely subjective.** For if human reason is the only norm of morality, and if there is no ulterior norm by which to judge the morality of our actions, human conduct will be good or bad morally according as reason judges it to be good or bad; human reason will not judge actions to be good or bad because they are so in themselves. But this is obviously the same as saying that moral goodness and evil depend on human reason, and that the distinction between good and evil in human conduct is merely subjective; because if the distinction between good and evil is **objective,** there must likewise be an **objective norm** according to which reason judges.

4) Kant's Autonomy of Reason is contradicted by inner experience. Our consciousness testifies that reason is not a law unto itself, that it does not create and generate obligation, but simply points out to us the law and makes duty and obligation known to us. While reason **manifests** what is right and what is wrong, what is obligatory and what is optional, it does not make it so. It shows in what way we should act, but does not create an obligation. We have here something similar to what takes place in the knowledge of truth; Reason is not free to declare certain things true or false, but it must conform to evidence. It perceives truths that exist independently of itself. In the same way, the moral good is not made, but only perceived, by reason. Hence, in neither case can reason be called autonomous, since it must conform to the nature of things.

THESIS 13

There are actions which, independently of any will, either human or Divine, are intrinsically and of their very nature morally good or bad.

INTRODUCTION

It is universally admitted that all actions, which are known in their relation to the norm of morality, and as such freely and deliberately willed, have not the same moral value. All men make a distinction between morally good and morally bad actions and in so doing show that they are convinced that the moral character of all actions is not the same. There is uniformity of view, regarding the general ground for this distinction of moral actions into good and bad; all admit that this general ground is to be found in the relation of those actions to the norm of morality, i.e., that an action is morally good if it is in agreement with the norm of morality and that an action is morally bad if it does not agree with the norm of morality.

There is, however, a deep-rooted and far-reaching difference of opinion concerning the question, whether the distinction between good and bad actions is **fixed, permanent** and **unchanging.** The **meaning of this question is not,** whether **every** action, which, at a certain definite time and under certain definite circumstances, is good or bad, is good or bad at all times and under all circumstances. For it is evident that an action, which is good or bad solely because it is commanded or prohibited by some positive law, will cease to be morally good or bad as soon as it is no longer commanded or forbidden by positive law. But the **meaning of the question is** this: Are there any actions which, independently of any will or law, whether human or divine, are intrinsically, and of their very nature, morally good or bad; so that, even if these actions were not commanded or prohibited by any law whatever, it would nevertheless be morally good or bad to do or to omit them? In other words, is there a moral distinction between actions which is based upon the very nature of those actions, and which is therefore **prior in time to any positive law and prior in nature even to what we are going to call the natural law of God?**

Many philosophers will not admit that there is such a distinction between good and evil, which is intrinsic to things and inherent in the very nature of certain actions. They assign an **extrinsic** or **positive** reason for the distinction of good and evil and contend that the goodness or badness of an action in no case depends on the intrinsic nature of the action itself, but depends in every case on some positive law or custom. Because these philosophers ground all moral distinctions on something extrinsic to the action, on some positive command or custom, their theory is known as **Moral Positivism.**

Of Moral Positivists and their theories, the following are especially to be noted:*

1) According to **Hobbes,** the moral good is a mere relative notion, which varies according to passing and accidental desires; a universally valid and applicable norm, in his opinion, does not exist. In the so-called state of nature—that is, the state which is supposed by him and others to have preceded the formation of society—the good was that which any man desired. The real distinction of good and evil had its origin later on in the law of the State; according to Hobbes, therefore, that action is morally good which is commanded by the State; morally evil, on the other hand, is that which is forbidden by the State. Hence, what is morally good in one State can be morally evil in another, and vice versa.

2) **St. Lambert** holds an opinion similar to that of Hobbes, except that he substitutes public opinion for the law of the State. **B. Mandeville** maintains that moral distinctions are the inventions of certain influential men. And as the distinction of good and evil was first introduced by these causes, by the instrumentality of these same causes that distinction continually fluctuates and changes.

3) **Rousseau** reduces all distinctions of good and evil to the ordinances of the State—that is, the positive law—and the State itself he regards as a **positive** institution, a result of **positive** compact freely entered into by men.

4) **Carneades,** in ancient times, and **M. Levy Bruhl,** in modern, ground moral distinctions on human custom and practices. Law, they maintain, follows practice, not practice law. Our ancestors did not first formulate the laws of human

*Adapted from Cronin.

conduct and then obey these laws in practice. On the other hand, laws are an outgrowth of those practices which conditions of existence most favored in by-gone ages.

5) **Friedrich Nietzsche** contends that the distinction of good and evil in the moral sense was originally unknown. The laws that at present rule the world are the laws of the slaves who for a time have, with the aid of the priests, gained the mastery over the aristocrats. This is the law of pity, of mildness, of the equality of men. To this law must succeed, with the rise of another aristocracy, the law of hardship and of severest justice. But even the aristocracy must give way to another order — that of the *Uebermensch,* the Superman or the Philosopher, and to his law of individualism, of independence from all things except himself, "independence of Fatherland, of Pity, of Knowledge, of his own freedom, of virtue itself, of all except himself and his sovereign individuality."

6) According to modern **Evolutionists,** the notions of good and evil are simply the gradual result of the evolution of man's social life. **Socialistic** philosophers hold a similar view and maintain that moral notions and distinctions are different in the different circumstances of time and in the different stages of man's development and evolution. **Paulsen** goes still further and holds that every condition of life and every country have their own proper morality, that the morality of the American is not that of the Chinaman, the morality of the artist not that of the merchant. Hence, what is good for one may be bad for another.

7) Finally, certain other philosophers—**Occam, Gerson, Descartes, Puffendorf**—teach that all moral distinctions depend exclusively on the will of God. The good they represent as that which God freely commanded us to do; the bad as that which He has freely forbidden us to do. Hence, in their opinion the free will of God is the sole reason why some actions are morally good, others morally evil.

EXPOSITION

In opposition to the different theories of the above mentioned philosophers, we hold that there is an essential and intrinsic distinction between good and bad, a distinction which is founded on, and inherent in, the very nature of things, and which is in consequence unalterably the same for all

men and for all times, which no circumstance of time or place or person can alter or even modify.

We grant, of course, that not everything that is now good or bad, is always and everywhere and under all circumstances good or bad. There are many actions which considered in themselves, i.e., in their abstract nature, are morally indifferent, i.e., neither morally good nor morally bad, and these may become good or bad in consequence of some positive law, comanding or prohibiting them; these actions, therefore, depend for their moral quality on human or divine will.

But besides these morally indifferent actions there are many others which, independently of any and every will and law, independently even of the divine will and law, are intrinsically and of their very nature morally good or bad. **It must be noted, however,** that this is not the same as saying that independently of law there is an **obligation** to do that which is intrinsically and essentially good and to abstain from doing what is of its nature and intrinsically evil. Obligation necessarily implies law and a law-giving will. Many actions are, moreover, morally good and praiseworthy and yet not at all obligatory, i.e., heroic acts of charity. Nor do we maintain that actions, which are intrinsically and of their very nature good, have their full moral value independently of the binding will of God, or that they are in themselves meritorious. We merely assert that there are some actions which, even if they were not commanded or prohibited, would nevertheless have some intrinsic goodness or badness, and it is, as we shall see, by reason of this inherent goodness or evil, that they are **necessarily** commanded or prohibited by God. Hence, they are commanded or prohibited because they are in themselves good or bad; they are not good or bad because they are commanded or prohibited. And even if we make the absurd supposition that God had never commanded or prohibited these actions, it would nevertheless be morally good for man to do those which are intrinsically good, and morally bad to do those which are in themselves bad.

PROOF

A.—Man's actions are morally good in so far as they are suitable to his rational nature and thus lead and direct him to the attainment of his final end; they are morally bad in so far as they are unsuited to his rational nature, and thus lead him away from his final end or hinder him in the attainment thereof.

But there are actions which, independently of any will, either human or divine, are intrinsically and of their very nature suitable to man's rational nature, and thus lead and direct him to the attainment of his final end; there are other actions which are of themselves and independently of any will, human or divine, unsuited to man's rational nature, and thus lead him away from his final end or hinder him in the attainment thereof. *Therefore.*

Major: Definition of morally good and bad actions proved in Thesis 11.

Minor: That some actions are of their very nature and independently of any will, human or divine, suited to man's rational nature and will thus lead him to the attainment of his final end, is beyond doubt. For who will deny that it is most suitable and proper for man as a rational being to worship the Deity, to reverence and love God, his Creator and final end, to practice filial piety, temperance, fortitude, etc. It is equally certain that other actions are of their very nature and independently of any will, unsuited to man's rational nature, and hence will lead him away from his final end or hinder him in the attainment thereof. Who will deny, for instance, that blasphemy, impiety, injustice, intemperance, etc., are in themselves opposed to man's rational nature? The same can be said of many other actions, especially those which have a beneficial or an injurious effect on man's social life. For man is by necessity of his nature a social being, and his social well-being depends on his peaceful and friendly intercourse with his fellow men. Hence, all actions which make the social life possible and ensure its permanence or are conducive to its stability, such as fidelity, honesty, charity, truthfulness, etc., are of their very nature suitable to man as a social being, and therefore morally good. On the other hand, all those actions which render the social life impossible, which are subversive of, or injurious to, social life, such as theft, homicide, treason, lying, deceit, etc., are of their very nature in opposition to man as a social being and for that very reason morally bad. It is clear, therefore, that many actions are in themselves conducive to man's well-being and therefore morally good for him, and that many other actions are in themselves opposed to man's well-being and therefore morally evil.

B.—It is the uniform, universal and constant testimony of the whole human race that there is an essential and natural distinction of good and bad. All nations, whether civilized or uncivilized, whether ancient or modern, have made a distinction between what is good and what is bad, have held certain actions to be always and in all places and under all circumstances good, and certain other actions to be always and everywhere bad; have approved and commended the former and disapproved and blamed the latter. Even the pagan nations, though they were practically given up to vices in general, nevertheless retained the names **good** and **bad** for certain actions.

"In the general moral course of human life there is nothing that comes out to view so strikingly as the distinction that exists between some actions as essentially good and others as essentially bad. This distinction is by its nature objective and intrinsic, universal and immutable. Being outside of the human faculties, it is not dependent on them or made by them, but springs from the very essence of things, and is the same everywhere and at all times. . . . The worship of the Deity, filial duty, justice, temperance, fortitude, prudence, have been held to be laudable in themselves by all men, and at all times, and in all places; whereas blasphemy, impiety, injustice, intemperance, etc., have been regarded as vicious always and everywhere. There is, therefore, between the morally good and the morally bad a fundamental distinction,—not changeable by any notion or efforts of men, and not suppressed by any viciousness or cruel legislation. It is the distinction that makes morals to be morals. Let it be capricious or changeable, and then what is essentially good today can be evil to-morrow; injustice in one will be justice in another; blasphemy now can be afterwards an act of virtue, and thus, the whole moral order being reversed, moral scepticism becomes a rule for human thought."—Ronayne, *God Knowable and Known*, p. 263.

COROLLARIES

I. We condemn, therefore, "Extrinsic Morality," the theory that moral distinctions are wholly outside of acts, and spring exclusively from God's command; or that good and bad are good and bad simply in virtue of divine enactment. On the contrary, our thesis maintains that moral distinctions are intrinsic in things and inherent in their very nature.

II. We condemn also the theory known as "Independent Morality" or the theory that moral distinctions have no dependence on God. Goodness has a manifold dependence on God because—

a) without God there could be neither good nor evil, nor any acts;

b) because "the good" and "the natural" are one, and our natures are nothing more than a certain participation in the Divine Nature. Consequently, the good in creatures is founded on, and is a reflection of, the Divine Goodness. Hence, we cannot assert that morality is independent of God.

DIFFICULTIES

Obj. 1. There exists even among civilized nations the greatest diversity of opinion concerning the morality of actions. *Therefore,* there is no universal and unchangeable distinction between good and bad.

Reply. Dist. antec.: There exists such diversity of opinion concerning the extrinsic and accidental morality of certain actions, conc. antec.; concerning the intrinsic and essential morality of many actions, v.g., concerning the morality of truthfulness and lying, gratitude and ingratitude, honesty and dishonesty, worship and hatred of the Deity, etc., neg. antec. If there ever is in practical life diversity of opinion concerning intrinsic morality, this is due, not to any lack of knowledge, but to the influence of the passions.

> "In the common language of mankind there are no words of more frequent occurrence than 'good' and 'bad'; 'right' and 'wrong'; 'this thing ought to be done'; 'you have no right to that object'; 'A behaved nobly'; 'B's conduct was disgraceful.' Such phrases as these are constantly in everybody's mouth, and whilst the application of them is one of the most abundant sources of disagreement, nobody fails to recognize and all are agreed upon the ideas conveyed. There are men to be found whose moral judgment is so unenlightened that they take as good conduct that which the verdict of mankind brands as wicked. This fact proves, not that such man are without the notion of right and wrong, but that they misapply it in their practical judgment of conduct. An enterprising Bedouin will rob, perhaps kill, a defenseless traveler without scruple, yet, at the same time he will feel bound to respect the life and property of an enemy who has succeeded in putting himself under the ægis of hospitality. The standard which this man has of right and wrong is perverted; but a standard of some kind he evidently recognizes and applies. A thief will steal your purse without ceasing to believe that it rightly belongs to you, and that he ought not to deprive you of your own. This notion of the difference between right and wrong, giving rise to duty and obligation, lies at the root of all morality."—Fox, *Catholic University Bulletin,* v. 3, p. 295.

Obj. 2. If there were no divine law, there would be no sin. *Therefore*, the morality of a sinful act is derived from divine law.

Reply. Dist. antec.: There would be no sin in the theological sense, that is, no transgression of the divine law, conc. antec.; there would be no sin in the philosophical sense, that is, no act that is opposed and unsuited to the very nature of man, neg. antec.

THESIS 14

The specific determinants of moral good and evil in man's volitional activity are the end of the action, the end of the agent, and circumstances intrinsically affecting either.

INTRODUCTION

We have seen that the proximate norm of morality is rational nature as such. All human actions, therefore, which conform to this standard of moral rectitude are alike in their generic moral goodness, and all human actions which fail to conform to this norm of moral rectitude are alike in their generic moral evil. But neither all good acts conform in the same manner, nor all evil acts fail in the same manner to conform to this norm of morality. Hence it is, that there exist different species of good acts as well as of evil acts, according to the manner of their conformity or difformity with this norm and standard of morality.

"Good as well as evil differ in kind. Good actions are different in their special relations of conformity to the norm of morality, and endue the will with distinctive perfections; and inversely with evil actions."—*Digests,* p. 32.

Since good as well as evil acts differ in kind, the question presents itself, "To what causes does an action owe its specific morality? What determines the specific moral character of actions?" What is, if we may use the expression, the specific norm or standard of good and bad in human action? It is not, of course, a new norm, different from the standard which we established in the preceding thesis; it is a principle rather, or means by which we may know in what manner any individual human act conforms or does not conform to that standard of all moral good and evil in human acts.

EXPOSITION

DETERMINANTS: are factors or elements which determine or cause a thing to be what it is or to have some particular kind or grade or quality of being.

SPECIFIC: as distinguished from **generic**, are factors or elements which cause a thing to belong to a particular species of being.

Therefore, the thesis in seeking to answer the question —"What are the specific determinants of moral good and evil in man's volitional activity?"—is seeking to find out what are the factors or elements which cause (determinants) any and every free act of man (man's volitional activity) to have the quality by which it, the free act, is either fitting and proper (good) or unfitting and improper (evil) to man's nature, and fitting or unfitting not in a **generic** way, but in a **specific** way, i.e., a way peculiar to this particular kind or species of action (specific determinants).

Hence, whereas it is the relationship of conformity or non-conformity of an action with the norm of morality that gives to that action its generic goodness or evil (according to Thesis 11), the purpose of the present thesis is to discover what are the precise elements in any and every volitional act that cause (determine) those acts to have—

1) a relationship of conformity or non-conformity with this norm, and
2) a relationship of this special (specific) kind of conformity or non-conformity.

In the thesis we say these elements are three, viz., END OF ACTION, END OF AGENT, CIRCUMSTANCES; in other words, we say that these three elements are the reasons why (causes, determinants) any volitional action is either morally good or morally bad and at the same time differs from any other kind of morally good or bad action.

END OF ACTION: (as in Thesis 7) is the result in which the volitional action terminates **of its nature,** or in which it **normally** issues. For every volitional action, whether elicit or imperate, normally issues in some end or result and this end or result is the **END** (or "Object,"—cf. N. B. below) of the **ACTION.** Thus, for instance, the divine honor, the relief of the poor, the taking of what belongs to another, are the ends of action in the case of adoration, of alms-giving, of theft.

N.B.—Many authors use the term "Object" to designate what we have here called "END OF ACTION." Care must therefore be had to distinguish between the

meaning of "OBJECT" as thus used by other authors and the same word as used in our proof of the present thesis.

This End of Action may be in conformity with the natural purpose of the faculty from which it proceeds, and therefore in conformity with the nature of man, either positively or negatively.

> **Positively,** when it is so in accord with the nature of the agent that its alternative is out of accord with the same; such an action may be said to be intrinsically (of its nature) morally good.
>
> **Negatively,** when neither the end of the action nor its alternative is out of accord with the nature of the agent; such an action may be said to be intrinsically (of its nature) morally indifferent.

This End of Action may be in difformity with the natural purpose of the faculty from which it proceeds, and therefore in difformity with the nature of man, and such an action is said to be **intrinsically** (of it nature) morally bad.

We may now mention that, when in Thesis 13 we proved that there are some volitional actions of their nature or intrinsically good or bad we really had in mind just those actions which are good or bad from their very **END OF ACTION,** i.e., from the very result in which they **of their nature,** and therefore **normally,** issue. If, therefore, this END OF ACTION were the only element determining the good or evil of an action, it would follow that to determine in any given case the morality of an action, it would be necessary only to examine this END of ACTION.

But according to the present thesis there are other elements that enter into the determination of the morality of an action and, therefore, further examination must be made before we can conclude that a given action, which is good **so far as this End of Action is concerned,** is in reality here and now good; for these other elements, without being able to change the intrinsic nature of the action, may still introduce into it, as it is here and now chosen by the will, something that will throw it out of harmony with the norm. When this happens, the action here and now willed is evidently a morally bad action, despite its intrinsic moral goodness or indifference.

On the other hand, if examination of the End of Action shows that any given action is of its nature in difformity with the norm, it is clear that no other elements, entering into the choice of the will here and now, can remove this **intrinsic** deformity, and so nothing can make such an action under any circumstances or willed for any conceivable motive, a morally good action.

This contrast between what is necessary to make a thing good and what is necessary to make a thing bad is expressed in the philosophical axiom,

Bonum ex integra causa, malum ex quocumque defectu.

END OF AGENT (as in Thesis 7) is the purpose freely chosen by the agent, the purpose which he wishes to accomplish by means of this action.

Recall that in Thesis 7 we noted that in the case of finite agents (and it is of such, namely, men, that we are dealing here) the end of agent may be or may not be identical with the end of action. Evidently if they are in a given action identical, then in that action the morality is not modified by the end of agent in any other way than it is already determined by the end of action. When, therefore, we say in the thesis that the end of agent is a **second** determinant, we have in mind the usual condition, which is that these two ends are really different. The meaning of the present thesis, as regards the End of Agent as a specific determinant of moral good or evil, may be made clearer by examining the case of an action which, so far as End of Action is concerned, is intrinsically morally **indifferent.** When such an action is really performed, it must get its morality, i.e., its harmony or discord with the norm primarily from the end of agent.

CIRCUMSTANCES: are all those accidental conditions which in some way or other affect the volitional action; they may all be placed as answers to some one of the following interrogative particles: "Who, What, Where, When, By what means, and How?"

INTRINSICALLY AFFECTING: To understand the meaning of this expression, we must reflect that there are many "accidental conditions" which may surround a given

action and which evidently have no bearing on the action's harmony or discord with the norm of morality, v.g., the use of one's right or left hand in stealing. Such circumstances do not intrinsically affect or modify either the end of action or the end of agent. However, there are other "accidental conditions" which just as evidently, to the view of all men of reason, have such bearing, v.g., to steal fifty cents or fifty dollars, or to steal from a destitute cripple or from a person of great wealth. Such circumstances do **intrinsically** affect either the end of action or the end of agent, and it is of these our thesis treats.

These circumstances are of two kinds:

1) **Aggravating or extenuating,** which merely increase or diminish the degree of moral good or evil in an action, without adding a new and distinct species of moral good or evil to that already given to the action by the end of the action or the end of agent or both. For example, a **greater** alms or a **longer** nursing of revenge is an aggravating circumstance; a **smaller** alms or a **briefer** dwelling resentfully on an injury is an **extenuating** circumstance.
2) **Specifying circumstances,** which are so-called precisely because they do give a new and distinct species of moral good or evil to that already given to the action by the end of action or the end of agent, or both. For example, to the moral quality given the act of murder by the end of action is evidently added a new and distinct moral quality by the circumstance that the murderer is the son of the victim.

PROOF

A.—The specific determinants of moral good and evil in man's volitional activity are those things which cause each particular volitional act to have its harmony or discord and its particular (specific) kind of harmony or discord with the norm of morality.

But the things which do this are the end of the action, the end of the agent, and the circumstances intrinsically modifying either. *Therefore.*

Major: A definition and description of the specific determinants of moral good and evil.

Minor: The things which cause each particular volitional act to have its harmony or discord and particular kind of harmony or discord with the norm of morality are evidently the things which give that act its own peculiar (specific) nature.

But the things which give each particular volitional act its own peculiar (specific) nature are these three. *Therefore,*

Major: Evident from analysis of specific nature.

Minor: The thing that gives each particular volitional act its own specific nature is the object that really terminates the will's activity (motion) in that particular act just as it is the object aimed at or the term moved towards that gives definite direction to any motion. To what else could the definite specific nature of the volitional act be due? The only other conceivable element that enters into an exercise of the will's activity is the nature of the free act looked at purely subjectively; this element cannot, however, explain the specific difference between a good and bad act since it is the same in both—for both depend in exactly the same way upon the free will.

But the object that really terminates the will's activity in any particular act is, as is evident upon analysis, an exercise of that activity according to the measure in which it is at the moment intellectually apprehended:

1) as it is in itself, i.e., as productive of the result in which it normally issues (end of action),
2) as a means which can be directed to the attainment of some purpose which the agent desires (end of agent), and
3) in all its other definite circumstances of person acting; person acted on or about; of time and place; manner and means of acting, etc.

B.—A second proof is added which treats of each of the three elements separately:

a.—THE END OF ACTION (OBJECT) DETERMINES THE MORAL CHARACTER OF AN ACTION.

The specific nature of every act is determined by the specific nature of its formal object. For acts in general are distinguished and differentiated according to their objects, or according to the result in which they issue. For when a thing is wholly for another, then what it is depends on that other. Now, acts are wholly for their formal objects. Hence it is from the object that we determine the specific character of the act. Thus we distinguish and differentiate the various acts of mind in Psychology by the objects which those acts concern. The sensitive act concerns a particular material object; the act of intellect a universal object. As this is true of all acts, so it is likewise true of the moral act. The end of action or object is the specifically moral factor in all acts. It is that which specifies the act, which gives it a name and puts it in a class. Thus, to destroy the life of another is called homicide; to take the goods of another is stealing—that is, these acts are put by their respective objects or ends of action into a particular moral species, to which we attach a particular name. Therefore, the object, or the result in which the action issues, determines the specific character of the moral act.

b.—THE END OF AGENT DETERMINES THE MORAL CHARACTER OF AN ACTION.

The end aimed at by the agent is the original source of the whole act, the motor-principle of the act; for the act that we do, with its object and its circumstances, is nothing more than a means to the realization of the end aimed at. Thus, if one gives alms for the purpose of gaining human praise thereby, the giving of alms is simply a means by which to gain the praise of men. The end or final purpose is thus the chief thing on which the will is fixed, to which it directs all else, and without which it would not act. And since the motion of the will takes its qualities or nature from the thing on which it is fixed and to which it tends, it follows that a will which tends to a good end is so far good, and that a will which tends to a bad end is bad. But the morality of an action resides chiefly in the will, so that a good or bad will, derived from the motive or purpose of an action, must necessarily contribute to the goodness or badness of that action. It is the end or motive which sets the will in

motion and gives its own moral quality to the action which follows. One, then, who steals money in order to be able to commit adultery commits a sin against justice, induced thereto by a desire to sin against chastity, and as St. Thomas, following Aristotle, says, he is more of an adulterer than a thief. It is clear, therefore, that, as a man intends the end more than the means, so the end is in one sense the principal moral element in the action, the chief determinant of the morality of the volitional action.

c.—CIRCUMSTANCES INTRINSICALLY AFFECTING END OF ACTION OR END OF AGENT DETERMINE THE MORAL CHARACTER OF THE ACTION.

The attendant circumstances integrate the object and are intended together with the object; so that the object can neither exist nor be intended without them. In their relation to the action, therefore, they take on to a certain extent the efficacy of the object which the action has in view; and hence they modify or change the specific character of the action.

It is obvious that circumstances of this kind are sources of morality, for they make the action conformable or not to the norm of morality. It is against right reason to strike any one unjustly, but it is still more inordinate to strike a parent. At the proper time, it is a good action to play in the proper place, and with good playmates; if any of these circumstances be wanting, the action becomes so far bad.

Again, to help indigent parents is in the opinion of all an act of a higher moral quality than to assist an indigent stranger, for, whereas the latter act is a simple exercise of charity, the former is besides this an exercise of filial piety.

COROLLARIES

I. Hence, the volitional action, in order to possess the requisite fulness of being—in order to be good simply and without qualification—must be **all good,** that is, not only must the action of its nature and the end deliberately aimed at by agent be good, but also all the attendant circumstances. For a

good action, like any other good thing, must possess a certain fulness of being, proper to itself. As it is not enough for the physical excellence of a man to have the bare essentials, a body with a soul animating it, but there is needed a certain grace of form, color, agility, and many accidental qualities besides; so for a good action it is not enough that proper means be taken to a proper end, but they must be taken by a proper person, at a proper place and time, in a proper manner, and with many other circumstances of propriety. If the action is wanting in any of these things, that is, if either the action of its nature, or the end aimed at by the agent, or any of the circumstances be bad, the action itself is called **bad simply and without qualification.** It is the same in the physical order. A lame horse may have good sight, but it is a bad horse; it may be good with a qualification, but we do not speak of it as good simply—as a good horse—on the contrary, we speak of it as a bad horse, because it has not its natural fulness of being. Hence, the axiom quoted above: *Bonum ex integra causa, malum ex quocumque defectu.* A thing is good simply and without qualification when it is **all good,** i.e., when it has all the natural parts, and all up to nature's standard; a thing is bad, if anything is wanting in any of those parts that are naturally due to it.

II. Though in one sense the end aimed at enters more deeply into the morality of an action than any other element—since the end in view is what lies nearest to a man's heart as he acts, and is consequently more willed and desired than the means—nevertheless, it is not the end alone that determines the moral character of the action, but also the nature of the action itself which is chosen as a means to this end, and the attendant circumstances. Hence, unless the action itself and the attendant circumstances are good, the action is bad in spite of the fact that the end in view be most praiseworthy. This is expressed by saying that the **end does not justify (make good) the means.** By the means we wish to signify all that we do in order to attain our end or purpose. If these means be in themselves, or because of circumstances, bad, then no end can justify them. For a good intention certainly cannot make a bad action good.

With means in themselves **indifferent,** the case is otherwise. A good end does make those means good, while a wicked end vitiates them. In other words, a good motive gives its own moral quality to an indifferent action and makes

it good. And so I do an act of charity by depriving a man of a knife with which he was threatening to commit suicide, while the same action, done with a view to making the knife my own, would be theft.

SCHOLION

In the course of the explanation given above, mention was made of actions which are intrinsically (of their nature, i.e., so far as end of action is concerned) morally indifferent. That there are such actions is evident. No one would claim, for instance, that walking, standing, running, riding, etc., are of their very nature morally good or bad. In general, all those actions must be considered as morally indifferent, which are neither positively in accord nor positively out of accord with rational nature as such.

This is, however, a purely **abstract way** of considering actions. To take a walk, for example, is in itself and considered in the abstract, i.e., apart from the end or intention of agent and from the circumstances, neither a morally good nor a morally bad action. But **in the concrete,** a man's intention, and the circumstances in which the action is performed, necessarily give it a moral quality. The intention must be good or evil, the circumstances must be such as to make the action conformable to rational nature or not, **and so in the concrete any particular action must be either good or bad morally; it cannot be indifferent.**

However, while this last conclusion is here embraced as true, it should be noted that it is not accepted by some philosophers who are still in perfect agreement with all the previous theses we have defended.

THESIS 15

Man's supreme good or the attainment of blessedness can, by morally good acts, be truly merited with God; but the merit that obtains from man to God is not of the same kind as that which obtains between man and man.

INTRODUCTION

We have proved that man has been made by God for Blessedness as his ultimate end and the attainment of the same as his supreme good; that this end can be reached and this good can be possessed only by morally good actions performed during this present life; in other words, that only by such actions can man advance towards and finally hope to reach that state of final perfection and happiness, which consists in the perfect knowledge and love of God, supreme truth and supreme goodness.

The question now arises—

How can man, even by these morally good actions, attain to such an intrinsic perfection or end?

It is true that every nature, as we have seen, is so fashioned and directed in its own intrinsic constitution that acts which are in harmony with that nature (good acts) are the means by which each nature can and will attain its own proper perfection and end. In the case of beings inferior to man, such acts are the means by which these beings physically evolve towards their highest perfection and last end. BUT IN THE CASE OF MAN THIS CANNOT BE EXACTLY TRUE. For man cannot by merely physical evolution attain to that perfection which is proper to his nature. The reason for this is that the objects to which man can direct himself of his own free choice, let them be as becoming to his nature and possessed in as great an abundance as you like, are by no means able to put him into such a state of perfection. This state of perfection, as we have seen, means the perfect knowledge and love of God; but no knowledge and love of created things, nor even that kind of knowledge and corresponding love of God which is possible to man in this life, can enable man to attain that degree of perfection of knowledge and love of which his rational nature is capable. Therefore, there must be in morally good acts some other

quality or element, besides their mere physical power of developing man's nature, which makes them the means of attainment of Blessedness for man. The present thesis aims at establishing what that quality is. It states that it is MERIT.

However, before defining and explaining the terms of the thesis, a further analysis of the relation which exists between a volitional act of man as a means and the attainment of a man's Blessedness as the end fixed for man by the Creator will be necessary. We may distinguish four steps in this analysis:

1) **The special quality** of the volitional act, of which mention was made above, must be something such that in it God finds a reason for bestowing, as the Author of nature, the final perfection and happiness proper to that nature which He has made. This reason will then be properly said to constitute a kind of exigency or demand that Blessedness be bestowed as a reward.

2) Since the only reason that can prompt or lead God to act with regard to creatures is something connected with God Himself, it follows that the quality which gives the reason for this exigency or demand upon God to bestow Blessedness on man must be this, that the volitional act of man gives God that very extrinsic glory which God wanted to procure from man.

3) Therefore, when man does all that lies in his power in the way of directing himself and his nature to its last end, God the Author and Ruler of this nature and the whole order of creation, is bound by His own attributes of Wisdom, Goodness, etc., to furnish whatever is necessary on His part that such self-directed activity on the part of man may attain within man's own nature the term of development or perfection that is its **natural due.** For the term of such (morally good) activity is not only that sum-total of external glory which God can obtain through man's activity, but it is at the same time and in the intention of God, the Author and Director of nature, man's supreme good.

4) Therefore, man's volitional activity, inasmuch as it procures, and freely procures, a good or benefit of God himself, is the foundation of the exigency or demand, above mentioned, that man receive from God his own proper highest

good. And to this exigency of receiving from another a good because of a good conferred on that other is given the name merit.

EXPOSITION

MORALLY GOOD ACTS: This term needs no further explanation in itself; it is, however, necessary to point out a quality of every moral act, whether good or bad, which we have not yet called explicit attention to, and that is what is called IMPUTABILITY of a moral or volitional action.

IMPUTABILITY is the quality of an action because of which the action is **imputed** to the agent.

TO IMPUTE means to attribute an action to an agent as an effect to its cause **and in praise or blame of the agent.** It differs, therefore, from mere **attributing** of an action to its agent as to its cause; for every action can be and is attributed to its agent as its cause, whether the agent in question acts freely or with necessity; but only to agents that act freely can actions be attributed in **praise or blame.** Therefore, it is the freedom of an action which gives the foundation for **imputing** said action to its agent as an effect to its cause. And since freedom is the essentially distinguishing element of a volitional or moral action—something which is found in every moral action and found in no other action—it follows that every moral act and no other than a moral act is imputable to man.

From the imputability of an action follows the responsibility of the agent, i.e., that condition of the agent by reason of which he is so regarded as the cause of his actions that he is held accountable for them and answerable for their consequences.

Imputability is the **character of an act** which is freely performed so that the good or evil of it, and consequently the praise or blame it deserves, is attributable to him who performs it.

Responsibility is the **condition** of a man who, having sufficient knowledge, and being free from coercion, can act or not as he chooses, and is, therefore, accountable for his determination. Whence it is that those who wish to lessen or deny imputability and responsibility

for a certain action are wont to say either that they were not free in their action or that they did not know the real character of the act.

MERIT: In common usage the word is applied to actions deserving reward, and the word demerit to those deserving punishment. Absolutely taken, it simply means desert either in a favorable or unfavorable sense. It may be defined as the quality of a volitional act having a beneficial or detrimental bearing on another person by reason of which the agent deserves reward or punishment. An act may deserve reward or punishment on two grounds:

1) Because it is **entitled** to a reward, or punishment is **in justice due** to it; or
2) because it is **appropriate** that it should be rewarded or punished. Hence we distinguish:
   I) **Merit by Right (condign merit)**—if the reward is due out of justice, e.g., a man's wages, the price of goods already delivered.
   II) **Merit by Worth (congruous merit)**—if the reward is due out of a sense of fitness, decency, e.g., Distinguished Service Medal.

TRULY: that is, in the strict sense of the word, namely, Merit by Right or Condign Merit.

MERIT BETWEEN MEN: Confining the term, for the sake of brevity, to its favorable sense, merit by right as it obtains between man and man, requires the verification of these conditions:

1) The one meriting should have conferred a benefit on the one with whom he merits;
2) There must have been a pact or formal agreement between the two regarding the benefit to be conferred and the reward to be given; otherwise only merit of worth is had;
3) There must be a proportion of equality between the action and its reward;
4) Prior to the payment of the reward merited, there must exist a disproportion in the order of justice between the person meriting and the person benefited, by reason of which the latter is a debtor and the former a creditor, and which can be removed only by giving the reward due.
5) The person rewarding is deprived of that by which he pays the reward. It is to be noted that the presence of

merit by right is not prevented by the fact that the action is already due on other grounds than those of an onerous condition fixed by pact and fulfilled. The action may be due on grounds of benevolence, filial piety, equity, and yet be meritorious because of the conditions fixed by agreement.

MERIT WITH GOD: Imperfections or limitations are implied in all these conditions of merit as it obtains between man and man, and, therefore, this merit cannot be of the same kind as that which obtains from man to God.

1) To receive a benefit implies a want; there can be no want in God.
2) To enter into a formal agreement implies that both parties may be subjected to obligation, and, therefore, to a law superior to them. But God is not subjected to obligation and is not bound by law.
3) That there should be a proportion of equality between the action and its reward implies that there is no intrinsic dependence of the one meriting on the one with whom he merits. But man can in no wise be independent of God.
4) The state of being a debtor to another entails limitations in the creditor. But God cannot be limited by any action of His creature. Logically, prior to any promise of reward, our actions are due to God, either because they fall under the commandments or under the counsels, either in justice or in PIETATE.
5) It would be an imperfection in God, if by giving the reward His possessions were diminished.

However, there is **true** merit in both cases, but in an **intrinsically analogous sense.** Hence, the conditions can be analogously verified.

1) It is within the power of our free will to give God formal extrinsic glory.
2) There is implanted in our soul a natural promise that ultimate well-being and happiness will be the reward of a moral life. Hence, the Creator is NECESSITATED by His OWN ATTRIBUTES of sanctity, wisdom and justice to give us the eudæmonistic completion of our nature, when in its activity it has been in conformity with the archetypal ideals and norms of nature.

3) There is a proportion, not of equality, but of teleology between our actions and their eternal reward, i.e., the proportion that exists between a nature and the final state in which its activities naturally issue.
4) Our reward is not due until the end of probation. Hence, payment is not deferred, but awaits ultimate fitness for its reception.
5) By giving the reward, God does not diminish His own possessions, since the reward is union with Himself; a friend loses nothing by bestowing friendship on one meriting it.

PROOFS

Part I. MAN'S SUPREME GOOD CAN, BY MORALLY GOOD ACTS, BE TRULY MERITED WITH GOD.

Man's supreme good can, by morally good acts, be truly merited with God, if these acts—

1) are imputable to man,
2) give external glory to God,
3) give a good of such value that it bears a proportion to man's supreme good as a reward,
4) give a good which, according to the order of things instituted by God and because of a promise of God made known in the very nature of man's faculties, must be accepted by God as requiring and demanding this supreme good as reward.

But these acts are such. *Therefore.*

Major: clear from the analysis of notion of merit and its necessary condition given in the explanation above.

Minor: clear in the same way.

Part II. THE MERIT THAT OBTAINS FROM MAN TO GOD IS NOT OF THE SAME KIND AS THAT WHICH OBTAINS BETWEEN MAN AND MAN.

The merit that obtains from man to God is not of the same kind as that which obtains between man and man, if the conditions necessary for true merit can be verified only analogously in the two cases.

But this is so. *Therefore.*

Major: clear from the notion of analogy.

Minor: clear from the explanation given above.

IV. OBJECTIVE RIGHT

THESIS 16

The right, objectively considered, is an ideal of conduct obligatory in character.

INTRODUCTION

In the preceding nine theses by *a priori* processes of argumentation altogether independent of the analysis previously made of the Ethical **Ought**, we proved that the first two of the three judgments contained, according to that analysis, in that **Ought** are objectively true. These judgments were:

1) **There exists an ultimate end proper for man to aim at in his free actions;**
2) **The attainment of this ultimate end is man's supreme or highest good.**

By a further examination of the nature of this end and good, we then established a further conclusion of the very highest importance regarding man's conduct. It is this:

Only by morally good actions in his present life, i.e., actions which harmonize with rational nature looked at in itself and in all its essential relations, can man attain to his highest good and reach his absolutely last end.

This last conclusion may now be stated in a different form as follows:

Man's rational nature, looked at in itself and in all its essential relations is an ideal of conduct.

> N.B.—Ideal is properly used to designate a standard which represents the kind of conduct proper (good) for man and which must regulate man's volitional activity if the latter is to be such as to lead him to his end.

In the present thesis we advance a step further and answer a question which naturally arises:

"Is this ideal of conduct proposed to man as a standard which is *merely* naturally attractive to him, a standard, in other words, to which he is *free* to conform his conduct or not, just as he likes? Or is it a standard which is *binding*

in character, an ideal which he is bound to realize in his volitional actions, bound, of course, in a way which is consistent with his physical freedom, *yet truly and absolutely,* or, as we say, categorically and not merely *hypothetically or conditionally?*

From Theses 9, 10 and 11 it is clear that this ideal must be realized (is therefore binding in character) IF man is to attain his last end. But such a binding is merely **conditional.** In Thesis 13 it has been established that there is a natural and intrinsic distinction between some actions as to their morality and from this it follows as an obvious consequence that this distinction **must** be observed and regarded by man in his conduct, IF he is to lead a morally good life. This binding is also merely **conditional.** Granting the existence of such a bond, the question may still be argued—

"Why may I not refuse to regard and strive after the attainment of my last end, if I choose to do so? Why may I not lead a morally bad life, if I choose? Am I absolutely and categorically—not merely conditionally—bound to strive for the attainment of my last end and so to lead a morally good life?"

To this question the present thesis gives an answer.

In this thesis the condition—**the IF**—is done away with, and we prove that the ideal of man's conduct (morally good activity) is categorically binding. Such a categorical binding which is consistent with free will is called, as we shall explain below in the exposition of the terms of the thesis, an **OBLIGATION;** therefore, the contention of the present thesis is that this ideal of conduct is **obligatory in character.**

Calling this obligatory ideal **RIGHT**—for reasons also given below—we shall, in proving this thesis, in reality establish—and again without any dependence upon the value of our previous analysis—the objective truth of the third judgment which we found to be involved in the Ethical **Ought,** namely:

There exists for man's volitional activity an absolute right.

EXPOSITION

RIGHT: The term is derived from a root—*Rego*—meaning that which is kept straight.

The term **is applied primarily** to the movement of a material body towards a goal without deflections in lateral directions.

The term **is applied by a natural extension** of meaning to movements of a higher kind, viz., of intellect and will; **e.g., right reasoning, right conduct.**

The term connotes—

1) An ideal norm in accordance with which the proper aim of a movement is determined; to this extent it implies a RULE of movement or action. (Cf. Thesis 6, Scholion.)

2) A necessity inducing the agent to action in accord with this norm.

> N.B.—Evidently any necessity that exists or can be reasonably spoken of must be of a kind appropriate to the nature of the faculty on which it is imposed.

OBJECTIVELY CONSIDERED: What is expressed and implied in the term thus analyzed may be considered:

1) **SUBJECTIVELY**, i.e., as it exists in a subject acting. **As such** it is defined as "a moral faculty, inviolable by force of the ideal, to do or hold or exact." Of this we will treat in later theses and we will show that only rational agents can have such a faculty.

2) **OBJECTIVELY**, i.e., as it exists independently of any agent and as the source of the necessity binding that agent. **As such** it is defined in the thesis.

3) **ANALOGOUSLY**, i.e., as something which receives the same name because of its relation of dependence upon RIGHT in either of these two acceptations of the term. **As such** it is defined as that which conforms to the ideal.

> N.B.—As a simple illustration of the three different usages of the term RIGHT, we may employ the following sentence:
>
> > "It is right (i.e., conformed to the obligatory ideal of conduct) for a man to be left undisturbed in the possession of what is his by right (i.e., by the necessity or prescription imposed by the obligatory ideal) and if any one attempts to disturb him therein, he has a right (inviolable moral faculty) to use legitimate means in his own defense."

IDEAL OF CONDUCT: This has been sufficiently explained in the introduction of this thesis.

OBLIGATORY: That which obliges or imposes an obligation.

Obligation is a species of necessity.

Necessity is a determination or restriction to one thing.

Therefore, to say that the ideal of conduct which we have shown in the previous theses to be rational nature looked at in itself and in all its essential relationships, is obligatory in character, is to say that this ideal of conduct is more than an ideal norm, implying a rule of action for man's volitional activity; it is to say, in addition to this, that a necessity is imposed on man's will inducing man to act in accordance with this norm, by restricting the choice of that will or determining it to one action rather than its opposite. (Cf. Thesis 6, Scholion.)

It is clear that a necessity (Restriction or Determination) affecting man's volitional (free) activity cannot be a **physical** necessity, such as affects the activities of irrational creatures and induces them to act in a way which is RIGHT for them, a way, namely, which is in accord with the ideal norm for them. Such physical necessity evidently denies all freedom of choice and is therefore in plain contradiction to the very essence of volitional action.

The only way in which a necessity can be imposed on a free will is through the natural guide of that free will, namely, the intellect. But a necessity imposed on a free will through intellect (man's distinctive faculties and therefore the faculties which are responsible for his CUSTOMARY or MORAL actions) is properly called a MORAL NECESSITY. This moral necessity in turn, to distinguish it from the above-mentioned physical necessity, is called **OBLIGATION.**

The fuller discussion of the nature of OBLIGATION belongs to the next thesis; for the present it is sufficient to add the following analysis:

1) It must be a **final necessity,** for it can be imposed on man's will only **through** the judgment of his intellect.
2) It must be an **absolute** and not a merely hypothetical necessity; that is, it must be such as to bind man's will independently of any choice on his part.

PROOF

The right, objectively considered, is an ideal of conduct obligatory in character, if there exists any power with the authority to put a categorical obligation on man's will to do moral good and avoid moral evil, and if this power has exercised this authority.

But there exists such a power and it has exercised this authority. *Therefore.*

Major: Evident.

Minor: 1) God is such a power, since He is man's Creator.

2) to be proved in the two following theses.

THESIS 17

Obligation Arises from Moral Law.

INTRODUCTION

The existence of an absolute and categorical necessity binding Man's physically free will to do what is morally good and avoid what is morally evil is, as we have noted from the outset of our study, universally admitted. The question which must now be answered is this:

> "Whence comes this necessity or binding force? What is the source of this obligation?"

To this question different answers have been given by different schools of Philosophic thought:

1) The Rationalistic School, under the leadership of Emmanuel Kant, answers:

> "The source of obligation is the dictate of the autonomous reason, or the Categorical Imperative."

2) The Evolutionistic School, represented by Herbert Spencer, answers:

> "The source of obligation is human nature looked at precisely in its present stage of evolutionary development."

3) The School of "Independent Morality" answers:

> "The source of obligation is civil society or the State."
>
> N.B.—These three opinions agree in making obligation altogether independent of and disconnected with any force or law that is supramundane.

4) Among Scholastic Philosophers the answer almost unanimously given is that expressed in our present thesis. However, Father Vasquez (1549-1604) answers as follows:

> "The source of obligation is the conformity or difformity of man's actions with rational nature."

N.B.—This opinion, though untenable according to our thesis, is totally at variance with any of the above-mentioned opinions, inasmuch as it in no way admits that human reason or human nature **of itself produces** obligation. Rational nature, which in this opinion is the source of that obligation, is itself, in this author's teaching, the expression of the Creator's Will and hence in no way independent of a supramundane law. Vasquez, therefore, in no way denies the existence of moral law, which, according to our thesis, is the real source of obligation, but contends that this law merely approves of, and thus adds a further obligation to, the obligation already existing; so much so that, if this prior obligation did not exist, the moral law would of itself bring a real obligation into existence.

5) The Scholastic School answers:

"The source of obligation is the moral law."

EXPOSITION

OBLIGATION: The concept of obligation, thus far analyzed, namely, as a "NECESSITY" clearly involves four elements, viz.:

1) One who or that which necessitates,
2) A subject necessitated,
3) That to which the subject is necessitated.
4) The necessity itself, or the obligation FORMALLY looked at.

With regard to these elements, the second and third are manifest in the present subject-matter. The subject necessitated is man's free will, the thing to which that will is necessitated is the realization in its volitional actions of the ideal of conduct, in other words, the doing of moral good and avoidance of moral evil.

Our present problem is to discover who or what it is that has actually necessitated the free will to such a line of conduct (first element). To do this it is necessary to make a further analysis of the notion of obligation looked at formally or as it is in itself (fourth

element). This we do in the following paragraphs.

The only necessity, as was mentioned in the previous thesis, that can effect a free will is a FINAL necessity, one which arises from an end apprehended by the intellect. *For,* this necessity involves a **reason** which is absolute, not merely conditional (conditioned on some subjective disposition of the agent), why good should be chosen in preference to evil, even though the choice of the evil is within the power of the will. And **such a** reason can be nothing else but a good apprehended by intellect in such a way as to move the will to the choice. A good thus moving the will is a final cause. Therefore, the necessity produced by it is a Final necessity.

Now the only good or end that can be apprehended by man as absolutely and essentially necessary for his will is that good or end which corresponds adequately to the necessary and unlimited tendency of the will itself in such a way that **other goods** are **simply** and **absolutely speaking not necessary** for man. And the only good that does thus correspond to this tendency is, as we have seen, God himself, the absolutely ultimate end of all created things, to Whom, therefore, all things else, both those that can be proximate or intermediate ends for man's activity, as well as man's very nature and its own perfection are **essentially** subordinated.

Man's reason, therefore, apprehends God, the one end essential to man, as a good above all else to be loved, before all other goods to be preferred. Further, man's reason apprehends all other goods as goods to be considered and treated as subordinate with reference to the tendency of his own will; in other words, man's reason apprehends that his own will with regard to all these subordinated goods must be itself subordinated to (made subject to) God's will. To refuse this subordination and subjection is to depose God from the place which, as the ultimate end for the tendency of man's will, He necessarily demands; it is, in consequence, to turn man away from his last end. And this is the absolute and efficacious reason why the end which has been imposed on man by God's will is to be (OUGHT TO BE) chosen in preference to any other end which can lead man in any other direction.

It is clear from the thesis on the End and the Good that morally bad actions can and will lead man away from God, his last end, and therefore it is clear that there is an **absolute** and efficacious reason why these actions are to be (OUGHT TO BE) avoided and their opposites performed by man's physically free choice.

IT IS THIS NECESSITY of conforming the human will to the Divine, and thus keeping in human action the due order between man's nature and God, that constitutes **the moral bond we call obligation.**

And since, as is clear from the foregoing analysis, this necessity is the proper, essential and immediate effect of God's will regarding man, obligation has its source in the will of God.

Finally, the real (formal) necessity (obligation) **consists** in the intrinsic connection between an action (or its omission) and God, precisely in so far as this intrinsic connection is the object of God's will. And this formal obligation may now be defined as follows:

> **Obligation is the necessity, known by reason, of positing or omitting an act, which has an intrinsic connection or opposition with an ultimate end and an absolute good, imposed by one having authority.**
>
> N.B.—Further inspection of the conclusion reached in the foregoing analysis reveals that we have therein been led to the knowledge of two distinct yet essentially interdependent truths, viz.:
>
> 1) Moral law exists and is the source of obligation.
> 2) Moral law itself has its source in the will of God.
>
> We shall now advance further more detailed and more technical explanations and proofs of these two propositions. The present thesis deals with the first, the following thesis with the second.

LAW is a rule of action imposed by a superior and made binding on an inferior.

N.B.—The term "LAW" is also used in **derivative** and **analogous** meanings to signify:

1) The observed uniform sequence of phenomena or the formal statement of such uniformity in a given class of cases, e.g., Grimm's Law in Philology, Aristotle's Law of Political Sequence, the Law of Diminishing Returns, the Periodic Law, the Law of Gravity. In this sense Law implies a practical necessity of uniformity in phenomenal sequence. (Theoretical Law.)
2) A rule or custom existing in a limited section of a community and enforced by the opinion of that section within itself, e.g., Laws of Etiquette. (Social Law.)

LAW is divided, according to the nature of the being on which the rule is made binding, into:

1) **PHYSICAL law**—a rule of action impressed on material and non-free creatures which physically compels to uniform action by an innate compulsion of nature, e.g., the law of gravitation, the law of growth of plants and animals.
2) **MORAL law**—a rule of action mandatory in form, established and promulgated by a competent authority for the common good.

N.B.—a) Such a law is placed on **free creatures** and is called **moral,** because it concerns **customary** actions, which actions, being volitional, are imputed to man as a responsible agent.

b) Law in this sense implies a necessity imposed on the will and in keeping with the free nature of the will, i.e., a necessity which is peremptory, but not compelling. **Such** a necessity we called in the last thesis **a moral necessity or obligation.**

N.B.—Other divisions, made according to other principles of division, will be given in the following theses:

MORAL law: As our thesis deals with the moral and not the physical law, a more detailed exposition of the definition of the former, phrase for phrase, is necessary.

RULE OF ACTION: A rule in general is a guide or norm. (Cf. Thesis 6, Scholion. Also cf. preceding thesis—definition of Right.) It implies determination of the aim of movement and its proper restraint, and is applied to—

a) Material bodies in their spatial movements;

b) Living bodies in their perfective movements, e.g., rules of hygiene, rules of right thinking, rules of right conduct.

MANDATORY IN FORM: A rule of action may be:

a) purely directive—advisory of certain procedure, but not obligatory of said procedure under penalty of moral evildoing, e.g., rules of etiquette; laws of logic.

b) necessitating—not merely advisory of a certain procedure, but binding thereto. This necessity may be—

i) **Physical**—necessitating by means of a physical determination, either internal or external.

ii) **Moral**—necessitating by means of previous knowledge in intellect and of pressure on will consequent upon this knowledge. This moral necessity and this alone is appropriate, as we have seen, to the faculty of free will, and is the necessity which is connoted by the words "mandatory in form."

ESTABLISHED: The law-maker must mentally conceive (act of reason) and freely determine upon (act of will) the course of action which is to be rendered obligatory upon the subjects of the law.

PROMULGATED: It is not sufficient for the law maker to establish the law by an internal act. The law must, by an official, external act, be so manifested that the subjects can be aware of its external existence.

> "A rule or measure is imposed by being applied to those who are to be ruled and measured by it. Wherefore, in order that a law obtain the binding force which is proper to a law, it must needs be applied to the men who have to be ruled by it. Such application is made by its being notified to them by promulgation."—St. Thomas Aquinas, 1, 2, 90, 4.

> PROMULGATION, therefore, is an authoritative proclamation of a law as binding, or, since we are speaking of a **moral** law, as **obligatory.**

For a better understanding of this essential prerequisite of a law's obligatory force, viz., Promulgation, it must be carefully noted that a "rule of action" may be regarded—

a) Actively (or in form)—the ordination of a superior reason directing a subject reason.

b) Passively (or in effect)—a necessity put by the superior will on a subject will to follow the direction of the ordinating reason.

c) Significatively—in some external manifestation, e.g., verbally, written, etc.

COMPETENT AUTHORITY: Since a law is to bind subjects, only the person (whether a physical or moral unit) to whom the guidance of the subjects is entrusted has the power to make the law.

FOR THE COMMON GOOD: There are two notions herein contained:

1) For GOOD—a law to be a law, must intend the good, e.g., must propose to enable men to reach the perfection for which they are natively fitted, towards which they are natively impelled, and to which, within certain limits, they are obliged.

   The proof of this lies in the fact that LAW is to direct man's conduct (or free activity), which must always be posited for "good."

2) For the COMMON good—A law is made by the social (common) head for the social (common) good of the subjects.

PROOF

A.—**Positive**—establishing the truth of **Scholastic** answer to question.

a) Obligation arises from moral law, if moral law exists. *But* moral law exists. *Therefore.*

Major: If moral law exists, it imposes a moral necessity.

But to impose a moral necessity is to give rise to obligation. *Therefore.*

Major: Clear from above definition and description of Moral Law.

Minor: Moral necessity is what we call obligation.

Minor: Moral law exists if Reason discovers (makes known to man) a rule of action, mandatory in form, established and promulgated by competent authority for the common good.

But Reason does discover such a rule of action. *Therefore.*

Major: Clear from definition and description of Moral Law. For that which Reason is here said to discover has all the elements of **Moral** Law.

Minor: Reason discovers—

1) that there is an intrinsic and natural difference between morally good and morally bad actions;
2) that this difference is founded in the relation of fitness or unfitness of these actions to man's rational nature looked at in itself and in its essential relationships to God, fellow man and irrational creation;
3) that this difference gives rise to a necessary connection or opposition of these actions with man's ultimate end and absolute good;
4) that the morally good actions are unconditionally prescribed or permitted, the morally bad unconditionally forbidden.

But the judgments of reason affirming all this have all the elements of moral law.

1) **"Rule of action"**—"Doing of good and avoiding of evil."
2) **"Mandatory in form"** — "Good **ought** to be done."

   N.B. — These judgments of reason are clearly "Categorical Imperatives," but they are not, as we shall see, of the type that Kant puts forward in explanation of the source of obligation.

3) **"Established by Competent Authority"** — for this "mandate" or moral necessity, thus categorically judged to exist must be imposed by **a superior.** Otherwise it would be imposed by oneself or one's equal. But it cannot be imposed—
   1) by oneself, since one cannot have authority over oneself and be subject to oneself in the same respect.

      N.B.—The control of reason and will over lower faculties is not authoritative.

2) by one's equal, since the very equality between men as moral beings denies that any man or body of men has **original** jurisdiction (authority) over another; it therefore denies that one man or body of men can of his or their own inherent power restrict the physical liberty of another man.

N.B.—If it can be proved—and as we shall see in the Ethics of Society, it can —that one man or body of men actually has such power (jurisdiction), then it is clear that such must have been derived from an authority that is superior both to them and their subjects.

4) **"Promulgated"** — for evidently it has been made known to man ("Reason discovers it"), and made known as obligatory, for reason judges it to be obligatory. Besides the fact that these judgments ("imperatives") of reason are **universal,** i.e., experienced by all men, and **constant,** i.e., independent of the variations of times, places and persons, proves that they are based upon objective evidence. The perception, therefore, of this objective truth—this rule of action as mandatory or of obligation—by reason is in reality the promulgation of the law.

5) **"For the common good"**—for the observance of this rule of action will evidently lead each individual man to his own personal supreme good—the attainment of Blessedness—and by securing the due order between man and man, and man and God, and man and irrational creation will lead also to the attainment of the end of the whole created universe, which is the good common to all things created.

b) The thesis may be proved also as follows:
Obligation arises from the moral law if the moral law exists.
But the moral law exists.
Therefore, obligation arises from the moral law.

Major: is evident; for obligation is one of the essential notes of a moral law as is clear from the definition of a moral law.

Minor: Reason discovers:

1) that certain actions are suitable for rational nature, lead man to his last end and are therefore good.
2) that certain other actions are unsuitable for rational nature, lead man away from his last end and are therefore bad.
3) that God has created all natures and ordained all things for an end and established the order of right and wrong in accordance with His divine nature and wisdom.
4) that the Creator cannot be indifferent as to whether the order established by Him is carried out and observed, but God must will and does will that man should observe this order, should do good and avoid evil and thus obtain his last end.

But these acts of the divine will and intellect, so evident to human reason, have all the elements of a moral law and fulfill the definition of a moral law. *Therefore.*

Minor: A moral law is defined as:

A rule of action, mandatory in form, established and promulgated by a competent authority, for the common good.

But the dictate of reason, "Do good and avoid evil," is:

1) a rule of action;
2) mandatory in form—For God commands us to do good and avoid evil. He does not merely counsel or advise us. Man cannot disobey this rule without incurring moral guilt.
3) established by competent authority—for God, the Creator of man and all things, is a competent authority and as the creator and author of the world it pertains to Him to direct man and all things to their proper ends. This He has done, as was shown in the above explanations.
4) promulgated—for God has promulgated His law by the light of reason as shown above.

5) for the common good—because it establishes order in the world and in man's actions and leads man to his last end. And certainly order is for the common good, just as disorder is against the common good.

Therefore, from the above explanations it is clear that the moral law exists and thus the minor of the original syllogism is proved.

B.—**Negative**—rejecting the answer of the other Schools of Thought.

1) Against Kant's Autonomy of Reason.

Kant's theory is based upon or involves the following absurdities:

a) Man, inasmuch as he is a rational and free being, is an end in himself, not only with regard to other created beings (this we ourselves maintain), but **absolutely.**

b) Man's reason is subject to no law except that which it itself, of its own power and authority, imposes upon it. This is to deny the essential relations spoken of in our Thesis 11.

c) Man is, therefore, at once superior to himself as giving the law, and inferior to himself as a subject of the law. This, even if reason were autonomous, is to destroy the very idea of obligation.

d) God is "postulated," not because we can have any reliable theoretical (speculative) knowledge of such a being, but because we must "invent" some such being in order to furnish a moving power to the categorical imperatives of our reason.

N.B.—On this theory and its disastrous consequences read Father Timothy Brosnahan, S. J., in *Catholic Educational Association Bulletin,* vol. VII, No. 1, pp. 240-257.

2) Against Spencer's Evolutionistic explanation.

According to Spencer, the sense of obligation is due to evolution under the pressure of consciousness of twofold restraint:

a) internal restraint, i.e., foreseen utility or harmfulness of act;

b) external restraint, i.e., fear of punishment.

But this explanation is contrary to fact:

1) **historically**—since man did not come by evolution;
2) **psychologically** — because this is not the reason why a conscientious man observes law, i.e., fear of external penalties;
3) **ethically** — it does not explain the reason why obedience to such dictates is proper.

N.B.—(2) and (3) are wholly true independently of (1).

3) Against the School of "Independent Morality or Ethics."

The doctrine of this school either supposes the prior obligation of man to recognize and obey the authority of the State or it does not suppose such a prior obligation.

But this prior obligation supposed must itself be rationally explained by an appeal to some other binding force logically prior to the State's authority, and this is our explanation of the moral law; such a prior obligation not supposed, the whole force of the State's authority is reduced to mere physical power to enforce its will, and this is to "make right of might!"

4) Against the opinion of Father Vasquez.
The conformity or difformity of an act with rational nature does not establish an ABSOLUTE necessity in human acts, but a conditional one, i.e., IF man's absolutely last end and in consequence God's external glory is to be obtained. Rational nature is itself a **finite** good and conformity with the same is a **finite** good. And it is contradictory to what we have established regarding the nature of man's will to maintain that it can be **absolutely** necessitated by a finite good. Such conformity or difference makes the act SUITABLE matter of moral law, and, hence, CAPABLE of being imposed as obligatory, but does not ESTABLISH obligation.

THESIS 18

Moral law is imposed on us by an act of the Divine Will, and this act, presupposing the decree of creation, is a necessary act and is rightly called the eternal law.

EXPOSITION

IMPOSED: That is, the rule of action is actually established and promulgated as mandatory (obligatory).

DIVINE WILL: The infinitely perfect faculty by which God necessarily loves His own Divine Essence, apprehended as infinitely lovable, and freely determines to act or abstain from action with regard to other beings, either possible or actual.

DECREE OF CREATION: The act of will by which God freely chose to bring this visible world and all its parts out of nothing into actual existence.

PRESUPPOSING: That is, in the supposition (proved to be true in Cosmology or Natural Theology and assumed as a postulate in Ethics) that God freely determined to create man and the other visible creatures of the universe.

NECESSARY: That which must be.

Hypothetically necessary is that which in **some certain supposition** or given **some certain condition** or conditions must be.

Absolutely necessary is that which in **any and every conceivable supposition** and under **any and all conditions** simply must be.

It is evident from the enunciation of the thesis, viz., —"presupposing the decree of creation"—that the necessity we claim for this act of the Divine Will is not an absolute, but merely a hypothetical necessity.

ETERNAL law: Law may be divided according to its duration into:

Temporal law, i.e., a law established "in time";

Eternal law, i.e., a law established from all eternity.

PROOF

Part I. MORAL LAW IS IMPOSED ON US BY ACT OF DIVINE WILL.

Moral law produces obligation on our will.

But that which produces obligation on our will must be imposed on us by Divine Will. *Therefore.*

Major: Conclusion of previous thesis.

Minor: Our will, physically free, can be morally bound (obliged) only by the will of one who has authority over it.

But the Divine Will alone is such. *Therefore.*

Minor: The Divine Will is the will of one who is the source of all reality and so the source of our created wills.

Part II. THIS ACT, PRESUPPOSING THE DECREE OF CREATION, IS A NECESSARY ACT.

This act is a decree of God's will binding man to observe in his conduct the order which God's Intellect apprehends must be observed for the accomplishment of God's own purpose in creation.

But such a decree of God is, presupposing the decree of creation, a necessary act. *Therefore.*

Major: This act, as the act imposing obligation on man's free will is nothing else than the means taken by God to secure from that will morally good conduct. And morally good conduct is, as we have proved, necessary for the accomplishment of God's purpose in creation.

Minor: For the omission of this act would mean that God, while freely determining to create, was indifferent to the attainment of His own purpose in creating, and this would be contrary to His infinite Wisdom.

N.B.—The phrase "presupposing the decree of creation" implies two things:

1) that without this previous decree there could be no place for a decree binding creatures. This is evident.

2) that the necessity here predicated of the act of God's will in no way detracts from God's infinite freedom with regard to finite things; for it is

merely a hypothetical necessity and the fulfillment of the hypothesis is itself due to God's infinitely free decision to create.

Part III. THIS ACT IS RIGHTLY CALLED THE ETERNAL LAW.

This act is rightly called the eternal law, if it involves all the elements necessary for such a law.

But it does. *Therefore.*

Major: evident.

Minor: for it involves:

1) **a rule of action,** viz., the plan which necessarily exists in God's intellect according to which man must act in order to attain his end;
2) **mandatory in form,** since this rule is by this act made obligatory on man's will;
3) **established by competent authority,** for it is evidently established by God Himself;
4) **promulgated,**
   a) already proved in previous thesis;
   b) independently of this previous proof, it is clear that God's Wisdom demands that some form of promulgation must be given His Will with regard to creatures if it is to be effective as He wishes. As to the form of promulgation, see next thesis.
5) **for common good,** viz., the common end and purpose of all creation;
6) **established from eternity,** for every act of God is from eternity.

SCHOLIA

I. This act of God's will—this eternal law—is of course an eternal **moral** law. For it produces a moral necessity and is imposed on moral creatures for the observance of the order which is necessary for **morally** good conduct, i.e., as it is often called, **the moral order.**

Is there such a thing as an **eternal physical** law? There is, in the sense that there is necessarily in the mind and will of God the same kind of knowledge and determination respecting the end of creatures that act with physical necessity, the attainment of that end by said creatures, and the means

necessary to said attainment, namely, actions in harmony with their own respective natures. Such a plan in the mind of God and consequent act of will regarding the activity of irrational creation clearly squares with the definition of eternal law and since it imposes on its subjects a physical necessity, it may be rightly called an eternal physical law. However, this terminology is not commonly used and the term "eternal law" without qualification is always accepted to mean the will of God binding **rational** creatures. In fact, as it may now be well to mention, the term "law" itself is, according to common and accepted usage, understood when used without qualification, to mean **moral law.**

II. The words of St. Thomas Aquinas expressing our thesis and the proof of the same are worth quoting because of their intrinsic value and because they are so familiar to everyone who is in the least acquainted with the literature on the subject. He says:

> "As with every **artificer** there pre-exists the **plan** of the things that are set up by **art**, so in every **governor** there must pre-exist a **plan** of the order of the things that are to be done by those who are subject to his government. And as the plan of things to be done by art is called a **pattern** or **exemplar**, so the plan of him who governs subjects has the character of a **law**. . . . Now God, by His wisdom, is the Creator of all things, and stands to them as the artificer to the products of his art. He is also the governor and controller of all the acts and movements that are found in any creature. And as the plan of divine wisdom has the character of an exemplar, pattern or idea, inasmuch as by it all things are created, so the plan of divine wisdom moving all things to their due end has the character of a law. And thus the Eternal Law is nothing else than the plan of divine wisdom, as director of all acts and movements."

III. Likewise, the definition St. Augustine gives of the Eternal Law is to be noted for the same reasons. He defines it as follows:

> "The reason and will of God prescribing the observance of the natural order and proscribing its violation."

This definition, by expressly mentioning the two elements—reason and will—may seem to differ from ours; but a little reflection will show that this is not so. The act of God's will, which in our thesis is proved to be the source of the moral law imposed on man's will, must itself be preceded (**in nature**, evidently, **not in time**) by an act of God's intellect apprehending the natural order of things as He is

to create them and the need of that order being observed if his purpose in creating is to be accomplished. This act of intellect (reason) was mentioned in our proof of Part Two of our thesis and is evidently the **reason why** God wills to bind man to observe the order in question. It may, therefore, be introduced expressly into the definition of the eternal law.

IV. The following quotations are also of interest and value:

> "The law is the reason and mind of a wise being well-fitted to order or forbid."—Cicero.
>
> "This law (the moral law obliging man) did not begin to exist when it was written, but when it was born, and it was born at the same time with the divine intellect. Wherefore, the true law, the primary law, the law which can fully command and forbid, is ever the true mind of the supreme being, Jupiter."—Cicero, *de Legibus,* Lib. II, cap. 4.
>
> "Laws are essential emanations from the self-poised character of God."—Tupper.

DIFFICULTIES

Obj. 1. Promulgation is essential to law. But promulgation from eternity is impossible. Therefore, an eternal law is likewise impossible.

Reply. Dist. maj.: Promulgation is essential to law in the passive sense, i.e., to law considered as received by those subject to it and binding them, conc. maj.; is essential to law in the active sense, i.e., to law considered as it is in the mind and will of the legislator, sd.: if there is question of a human law, conc. maj.; if there is question of Divine Law, neg. maj. Contrad. min.

Obj. 2. In the case of human legislation, the interior acts of intellect and will of the law-giver do not constitute the law. Therefore, neither do God's interior acts of intellect and will constitute the Eternal Law.

Reply. Conc. antec. Neg. concl. and the parity: With regard to promulgation, the Eternal Law differs from all other laws in this, that the former (the Eternal Law) is rightly considered as complete and perfect by the very fact that it is established in the mind of the law-giver; the latter, on the contrary, are not completed until they have been actually promulgated. The reason of the distinction lies in this,

that the eternal decree of God is absolutely unchangeable, and without any intrinsic change binds those subject to it in time; the decree of man, on the other hand, is subject to change and therefore, as long as it has not been promulgated by way of law, it is not considered as definite, but rather as a mere purpose and intention to frame a certain law. Hence, no public promulgation is required that the Eternal Law actually impose an obligation; it is sufficient that it becomes known to those subject to it. On the part of God, therefore, His law is eternal. But this Eternal Law of God produces its effects in time.

Obj. 3. A law is an act of jurisdiction. But before creation there was no jurisdiction in God. Therefore, there cannot be an eternal law.

Reply. Dist. maj.: A law passively considered is an act of jurisdiction, conc. maj.; merely actively considered, i.e., as it is in the mind and will of the law-giver, neg. maj. Conc. min. Dist. concl.—Acts of dominion and of jurisdiction are transient acts; the Eternal Law, on the other hand, in its purely active sense is an immanent act of God.

THESIS 19

The moral law as promulgated to man by the light of reason is rightly called the natural law.

INTRODUCTION

The Eternal Law is, as we have seen, the necessary will of God binding created things to certain lines of action, in keeping with their natures—the rule of action which, according to the eternal decree of God, created things are bound to follow. As an eternal law it has existence only in God, being an immanent act of the Reason and of the Will of God. In order that it become operative and prove itself effective as a guiding rule of action for created things, it cannot remain locked up in the mind and will of God, but must in some way be communicated to the creatures themselves. In this communication consists the promulgation of the eternal law. The question, therefore, arises:

"In what manner has the eternal law been promulgated?"

In other words, in the previous thesis we treated of the moral law in its **active state,** as existing in the mind and will of the law-maker; now we look at the same law in its **passive state,** as existing in its application to its subjects. (Cf. Thesis 17, in explanation of term "promulgated."

In answering our present question, we must recall what we saw in Thesis 7, namely, that God does not move and govern his creatures towards their appointed end by a mere external directive impetus, as the archer, for instance, does his arrow, but by means of internal impulses and inclinations, which He has bound up with their natures. **Irrational creatures** are urged, by means of physical forces or natural impulses and instincts, to exercise the activity peculiar to them and keep the order designed for them. With reference to the irrational creation, therefore, the eternal law is promulgated by the internal inclinations and impulses, which guide and direct those beings to their final goal. **Man,** on the other hand, is a being endowed with reason and free will; as such he cannot be led by blind impulses and in-

stincts, but must depend upon practical principles and judgments, which point out to him how he is freely to determine and order his own conduct.

We do not and cannot—consistently with sound psychological teaching—maintain that nature has provided man with intellectual judgments already formed—innate ideas and judgments as to what he ought and ought not to do—but we mean by saying that the practical judgments of reason are nature's guide for man's actions, that nature has gifted man with an intellectual faculty of judgment and given that faculty an inclination towards and facility in judging what he ought or ought not to do. And through this power of judgment—this light of natural reason—God's will (law) is made known to man and becomes effective in guiding his free actions towards their appointed end.

What we state, therefore, and prove in the present thesis is that the judgments which man makes with this natural power of reason regarding good and bad, obligatory and non-obligatory, constitute the promulgation of the eternal law with regard to his volitional actions, in other words, "The moral law is promulgated to man by the light of reason."

Further than this, however, we maintain that this very promulgation through reason is itself properly called a law, and, as embedded in the nature of the subject bound thereby, it is properly called "natural" law. For, as we shall see, the aforesaid judgments are not mere knowledge of the law, but authentic declaration of the will of a superior as binding and declarations made through a medium chosen by him for this very purpose.

EXPOSITION.

LIGHT OF REASON: i.e., the natural power of man's intellect to apprehend objective truth, to compare apprehensions with one another and so perceive identity or diversity, and to reason, from the comparison of two or more judgments, to further conclusions.

NATURAL LAW: this term makes it necessary to give another division of law, a division made according to the way the "rule of action" is promulgated. According to this principle of division, law is divided into:

1) **NATURAL** law—A rule of action which is established by the Superior of the Universe and promulgated by being im-

bedded in the very **nature** of the creature (subject) whose actions are to be controlled by it.

It is **therefore** of the essence of **natural** law that it be a rule of action which is **necessarily** imposed upon the subject and which can be discovered by the light of **natural reason studying the nature of the subject.**

2) **POSITIVE law**—A rule of action **freely** established by a competent authority and promulgated **not** in the nature of the subject, **but** by some **external** (oral or written) sign or expression.

It is **therefore** of the essence of **positive** law that it be a rule of action which is imposed upon the subject **freely** (i.e., the one who imposed it was not necessitated to do so), and which can be discovered **not** by the light of natural **reason alone in its study of the nature of the subject, but by** means of some external signs of the law-maker's will.

N.B.—It is clear from a comparison of the definitions given of the different kinds of law that:

1) Physical law is always a natural law, i.e., there is no such thing as a physical positive law.
2) Moral law may be either natural or positive.
3) Natural law includes both physical and moral law.

N.B.—However the term **"Law of Nature"** is more usually employed to designate **natural physical law.**

4) Positive law is always moral law.

OUR THESIS DEALS WITH THE NATURAL MORAL LAW, which may now be fully and properly described as A RULE OF ACTION MANDATORY IN FORM, WHICH REASON ITSELF DISCOVERS HAS BEEN ESTABLISHED BY THE AUTHOR OF MAN'S NATURE AND PROMULGATED BY BEING IMBEDDED IN THE VERY NATURE OF MAN, and therefore made obligatory on all men.

The elements which are **distinctive** in this definition and thus **differentiate** it from the **generic** definition given of moral law in Thesis 17 call for further comment as follows:

Which Reason Discovers: a rule of action for moral beings may be made known, either—

a) through the use of the natural powers of apprehension and judgment, (reason) bestowed by the maker of the rule (Natural Law), or

b) through some external sign—oral or written—given by the maker of the rule. (Positive Law.)

Author of Man's Nature: this is the "competent authority" with regard to all of man's actions, spoken of in the above general definition of Moral Law.

Imbedded in the Nature: i.e., not (as in the case of **positive** law) made to apply to its subjects by being brought to their notice through the medium of some external expression, but made to apply to them by being itself constituted a very part of their **nature.** According to the nature in which it is imbedded, the rule of action is functionally differentiated. In unconscious beings, i.e., in the inanimate and vegetative world, it impels to action in a way uncontrolled by consciousness. In sentient beings it urges to action subsequent to knowledge, but with an irresistible impulse. In rational beings it impels to action through knowledge and by an impulse which can be freely actuated. Here the intellectual knowledge had by man is not merely declarative and directive, but normative as well, i.e., it represents a definite objective rule with which our actions should conform, though we retain the physical liberty of refusing to conform them therewith.

N.B.—Further explanation and more developed description of the natural moral law will be given in the scholia following the present thesis, where they can be more easily understood in the light of the proof of the thesis itself.

PROOF

Part I. THE MORAL LAW IS PROMULGATED TO MAN.

The moral law is promulgated, if promulgation is necessary for the attainment of the purpose of the law.

But it is necessary. *Therefore.*

Major: Otherwise the Creator is proved to be wanting in something necessary for the attainment of His own purpose in making the law. And this is absurd.

Minor: Clear from notion of promulgation and from nature of law.

Part II. THE MORAL LAW IS PROMULGATED BY THE LIGHT OF REASON.

The moral law is promulgated to man by the light of reason, if this is the only mode of promulgation consistent with man's nature.

But this is so. *Therefore.*

Major: evident, for God must direct things according to the natures He gave them.

Minor: promulgation of a law for a free will means the influencing in some way of a free will. But only through reason can a free will be influenced. God could not direct man by physical tendencies impressed on his nature, nor by mere instinct, for this would destroy his free will.

Part III. SUCH PROMULGATION OF THE MORAL LAW IS RIGHTLY CALLED THE NATURAL LAW.

a) **Rightly called law—**

A.—The eternal law of God made known as obligatory is rightly called law.

But such promulgation of the moral law is the eternal law of God made known as obligatory. *Therefore.*

Major: evident.

Minor: Such promulgation consists in reality in the practical judgments of reason which bring to bear upon man's will the knowledge of an order which he ought to observe in his actions.

But these practical judgments constitute the eternal law of God made known as obligatory. *Therefore.*

Major: clear from experience.

Minor: For such judgments are knowledge of the will of God obliging man, i.e.,

subjectively, they are acts of knowledge (whose truth and certainty can be assured in the same way as is the case of any other act of knowledge);

objectively, i.e., that which is affirmed in such judgment is really an expression of God's will, viz., "this action, v.g., stealing, ought to be avoided."

For this judgment can be shown to be true and certain, and not a mere subjectively invincible persuasion or ungrounded sentiment (feeling) only by proving that the action is forbidden by some authority outside of and superior to man whose intellect thus judges the existence of obligation and whose will feels the pressure of the same. And the only such authority who could have the power (right) to impose any such restriction and pressure on man is He to whom man owes his very origin, being and powers of acting, and to whom man belongs as so much living property, i.e., God.

Therefore, man's irresistible impulse to *judge* that this action (stealing) ought to be avoided (and the same is true of all other such judgments) can be explained as reasonable only on the supposition that in reality it is God's wish (will) that said action be avoided. In other words, the intrinsic necessity which man is under of making such judgments is itself a reflection—in a sense a participation (Cf. Scholion II of this thesis)—in human nature of the intrinsic necessity God's intellect is under of making the same judgment; in turn, the compulsion to avoid that action, which compulsion man feels resting upon his will, as the result of this necessary judgment, is in the same way a reflection of the hypothetical compulsion under which God's will rests to wish (will) the same avoidance.

Further, it has been proved that God does actually wish some actions to be avoided, others to be performed.

Therefore, such judgments as we are speaking of—viz., practical judgments bringing to bear upon man's will the knowledge of an order which he ought to observe in his actions—are in reality knowledge of the will of God, or the eternal law of God made known as obligatory.

B.—The promulgation of the eternal law is rightly called a law if it satisfies the definition of a law.

But it does satisfy the definition of a law.

Therefore, it is rightly called a law.

Minor: The promulgation of the eternal law consists in dictates of reason commanding us to do good and avoid evil. But these dictates of reason satisfy the definition of a law because:

1) they are rules of action
2) Mandatory in form
3) established by a competent authority (God)
4) For the common good (they make for order)
5) promulgated (through reason).

b) **Rightly called natural law—**

That law is rightly called natural law which is promulgated through the natural powers of the nature subject to it and can be learned by a study of that nature.

But such a promulgation of the moral law is a law promulgated through the natural powers of the nature subject to it (man) and can be learned through a study of that nature. *Therefore.*

Major: clear from definition and description of natural law.

Minor: clear from foregoing thesis and proofs. The moral law is not made known by any positive sign, but is "written" on man's nature and becomes evident through the analysis of that nature.

SCHOLIA

I. Though there is some differences of view regarding this point, it is commonly held that—

1) The natural law, looked at **formally,** consists in the actual dictates (judgments) of practical reason as to what ought to be done or omitted by man;
2) The natural law, looked at **virtually,** consists in the light of reason or in practical reason, in so far as this has a **natural** and **necessary** inclination and facility in eliciting said judgments.

Using the term in this second sense—i.e., "virtually"—natural law may be defined as:

The light of natural reason by which we distinguish what is morally good and hence either obligatory or at least lawful to do, and what is morally bad and hence obligatory to avoid.

The following paragraphs, in giving a further explanation of the notions contained in this definition, will serve to throw further light on this all-important subject and at the same time emphasize the necessary connection between the subject of obligation, imposed by law, and the subject of the norm of morality:

The Creator has endowed man with the ability and the inclination to form many concepts and develop principles. As soon as he comes to the use of reason, he forms, by a natural necessity, on the basis of experience, certain general concepts of theoretical reason, e.g., those of being and not being, of cause and effect, of space and time and so he arrives at universal principles, e.g., that "nothing can be and not be at the same time," that "every effect has its cause," etc. As in the theoretical, so also is it in the practical order. As soon as reason has been sufficiently developed, and the individual can somehow or other practically judge that he is something more than a mere animal, by an intrinsic necessity of his nature he forms the concept of good and evil, i.e., of something which is proper to the rational nature which distinguishes him from the brute, and which is, therefore, something worth striving for, and of something which is unbecoming and, therefore, to be avoided. And as by nature he feels himself attracted by what is good and repelled by what is evil, he naturally forms the judgment, that "good is to be done and evil avoided," that "man ought to live according to the dictates of reason," etc. The general practical judgments and principles: "Do good and avoid evil," "Lead a life regulated according to reason," etc., are the basic precepts of the natural law.

In its entirety, however, the natural law comprises all those precepts or obligatory rules of conduct which arise from the very nature of man as God has constituted that nature, and which the purely natural reason manifests to us as necessary to the attainment of our ultimate end and highest good. Hence, **according to its contents**, the natural law may be defined as—

"That rule of conduct which is prescribed for us by the Creator in the constitution of the nature with which He has endowed us," or

"The **obligatory norms** of moral conduct inasmuch as they are manifested to us by the light of natural reason."

The natural law, then, may be said to contain three constituent elements: the discriminating norm, the binding norm, and the manifesting norm.

a) The **discriminating** norm is, as we have already seen, rational human nature as such, objectively considered. It is, so to speak, the book on which is written the text of the law, and the classification of human actions into good and bad. Strictly speaking, our nature is the **proximate discriminating** norm or standard. The **ultimate** norm, of which it is the partial reflection and application, is the Divine Nature itself, the ultimate groundwork of the created order.

b) The **binding** or **obligatory** norm is the Divine authority, imposing upon the rational creature the obligation of living in conformity with his nature, and thus with the universal order established by the Creator.

N.B.—Here again it should be noted that these two elements are merely a repetition of the two-fold canon of conduct, spoken of in the Scholion I of Thesis 6, namely RULE and LAW.

Note also that the present proof of the existence of such a two-fold canon is itself merely another proof of the existence of an ideal of conduct which is obligatory in character—in other words, of Objective and Obligatory Right.

c) The **manifesting** norm, which determines the moral quality of actions tried by the discriminating norm, is reason. Through the medium of this faculty we perceive what is the constitution of our nature, what kind of action it calls for, and whether a particular action possesses this requisite character.

II. From all this it should be clear how accurate and adequate is the classic definition of the Natural Law, given by St. Thomas:

"The participation of the eternal law in a rational creature." (*Summa Theologica,* 1, 2, q. 91, a. 2).

It is a participation and a reflection of the Eternal Law in the same sense that all finite perfections are participations and reflections of the Divine Perfections. Just as created goodness, beauty, truth, etc., are participations and reflections, finite expressions and imitations of the Divine Goodness, Beauty, Truth, etc.; just as man by his existence, life, reason, nature, etc., shares in the Divine Existence, Life, Reason, Nature, etc., so is the natural law in man a reflection and a participation, the finite expression and imitation of, and by it man shares in, the Eternal Law of God. For, as the Eternal Law of God is nothing else than the eternal plan and intention in the Mind and Will of God, according to which He rules all things finite and directs them to their appointed end, so is the natural law a norm or rule by which we guide ourselves to our final ends—to the end appointed by the Creator. And as the Eternal Law is a dictate of God's Reason presupposing an act of His will, in virtue of which it directs and moves all created things, so is the Natural Law in us a dictate of our human reason. As the building is a reflection and an expression of the plan in the mind of the architect, and as the work of art in like manner reflects the mind of the artist, so does the Natural Law reflect and mirror the eternal plan in the Mind of God—it is the finite expression of the Eternal Law. And if the Natural Law abides in our minds and hearts and is the guiding principle of our actions, our ideas of the moral order and our moral conduct will reflect and mirror and be conformable to the eternal plan in the Mind of God—our rule and conduct will, as far as this is possible to mere finite beings, participate and share in the Eternal Law of God.

III. It is now proper to call explicit attention to the fact that this natural moral law, looked at virtually, is in reality nothing else than that "intellectual impulse to judge certain actions good and obligatory, certain bad and forbidden," which is the FACT, we saw from the outset, that forms the subject-matter of our Science of Ethics. Since this important point cannot be too much emphasized, the following paragraphs, though for the most part merely repeating ideas and arguments already expressed in this or the foregoing thesis, are added and for clearness sake in the form of thesis and proof.

A.—THERE EXISTS IN MAN A NATURAL MORAL LAW.

The decree of Creation necessarily implies that God willed to direct and ordain man to his final end in a manner suited to his free, intelligent nature. *But* the natural moral law is the only way in which God can efficaciously direct and ordain man to his final end in a manner suited to his free, intelligent nature. *Therefore,* there exists in a man a natural moral law.

The Major: God was free to create or not create, but having freely decreed to create man, He must necessarily destine him for a final end and, in a manner suited to man's free, intelligent nature, urge him to the attainment of that final end; that is, when God freely decreed to create man, He necessarily had the efficacious will that man should, by the free observance of that moral order which is in conformity with his rational nature, glorify his Creator and thus reach his final end. To suppose otherwise would imply either that God could not devise the means by which to guide and direct man to his final end or that He is indifferent and unconcerned whether man tend to his final end or not. The former of these alternatives is plainly derogatory to God's Wisdom, the latter to His Constancy of Purpose. Therefore, in decreeing to create man and to destine him to a final end, God must necessarily have the efficacious will to direct and urge him, in a manner suited to his free, intelligent nature, to the attainment of that final end; that is, God must necessarily will to make it obligatory on man to glorify his Creator by the free and intelligent observance of the moral order.

The Minor: that the natural moral law is the only effective way in which man can be led and urged to the attainment of his final end, is evident. A mere counsel or wish on the part of God would obviously not be an effective means of inducing man to observe the moral order, since the moral order is connected with many and great difficulties and not unfrequently demands great sacrifices from man. Much less could God compel man to observe the moral order by inner necessary impulses and inclinations, because this would be opposed to man's free will. Hence, the only means by which God can urge

man to observe the moral order, and thus direct and guide him to his final end, is law. This is the only means which is in keeping with the free, intelligent nature of man. That this law must be a natural law, that is, one known to him by the fact of his rationality or the light of his rational nature, is also evident. For man, like every other creature, must tend towards his destiny naturally, or by the specific force, which nature has given him. Besides, the end he is to reach is a natural one, and, therefore, to be reached by natural means. Therefore, the natural moral law is the only means by which God can guide and direct man to the attainment of his final end in a manner that suits man's rational nature.

B.—THE NATURAL LAW IS A REFLECTION OF THE ETERNAL LAW OF GOD.

The universal conviction of mankind, that certain actions are commanded and conformable to duty, certain others forbidden and opposed to duty, does not change with changing conditions, but always remains the same, whether the execution of the command or observance of the prohibition be hard or easy. So true is this that the noblest among men have always maintained that it was better to undergo any hardship, even death itself, rather than prove recreant to one's duty. It is, moreover, the universal conviction of mankind that the precepts commanding or prohibiting such actions are imperative and categorical in character, so that man cannot act in opposition to their dictates, except under the protest and with the repugnance of his natural reason. Now, such an absolute and unconditional obligation cannot have its ultimate foundation and basis in human nature. For the imperatives which are based on nature alone can never be unconditional, but are always hypothetical or conditional, i.e., the imperatives of nature can never be more than such as this: "If you wish to act in conformity with your nature, you must do this or that action and omit doing this or that other action." The categorical imperative, the absolute, unconditional moral necessity or obligation of doing the good and avoiding the bad—an obligation which, according to the united testimony of all nations, remains in force even when there is question of life or death—can have its ultimate basis or reason nowhere except in the Author of human nature. In other words, God, the Author of man's being, must at the same time be the

Supreme Law-giver, who manifests His law in man's rational nature, who promulgates His law by the dictates of man's natural reason. In other words, the natural law is nothing else than the expression of nature's Author manifesting to us His will. By the Natural Law God reveals to man His will that he should always and everywhere and under all circumstances act in accord with his rational nature. The Natural Law is, therefore, simply the expression of the will of nature's Supreme Lawgiver, a reflection and a participation of the Eternal Law of God in rational creatures.

IV. The following quotations are added both because they show the importance universally attached in the minds of men to the Natural Law and because some of the expressions found herein are very striking evidence of an equally widespread acceptance of the more fundamental truth that it is man's rational nature, looked at adequately, which is the norm and standard of good and evil, the norm and standard, in other words, in accordance with which God himself has legislated for man's own conduct.

"Unwritten and steadfast customs of the Gods."—Sophocles, *Antigone.*

"Natural laws, which are observed alike among all nations, are due to a divine providence: they remain in full force and are immutable.—Pandects, Bk. I., Tit. 2.

"There is a law, judges, not written, but born within us, which we have not learned or received by tradition, or read, but which we sucked in and imbibed from nature itself, which we were not trained in, but which is ingrained in us." — Cicero, *Pro Milone.*

"Right reason is indeed a true law, in accord with nature, diffused among all men, unchangeable, eternal. By its commands it calls men to their duty, by its prohibitions it deters them from vice. . . . There shall no longer be one law at Rome and another at Athens, nor shall it prescribe one thing to-day and another one to-morrow, but one and the same law, eternal and immutable, shall be prescribed for all nations and all times, and the God who shall prescribe, introduce and promulgate this law shall be the one common Lord and Supreme ruler of all, and whosoever will refuse obedience to Him shall be filled with confusion, as this very act will be a virtual denial of his human nature; and should he escape a present punishment, he shall endure heavy chastisement hereafter." —Cicero, *De Republica,* Bk. III, Ch. 23.

"Two things fill the mind with ever new and increasing admiration and awe, the oftener and the more steadily we reflect on them; the starry heavens above and the moral law

within. I have not to search for them. . . . I see them before me and connect them directly with the consciousness of my existence."—Kant, *Critique of Pure Reason—Conclusion.*

"There are the eternal, immutable laws of good and evil to which the Creator himself in all His dispensations, conforms; and which He has enabled human nature to discover, so far as they are necessary for the conduct of human actions."—Blackstone, *Comm. Introd.,* Sec. 2, No. 40.

"When in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them to another and to assume among the powers of the earth the separate and equal station to which the laws of nature and of Nature's God entitles them," etc.—*Declaration of Independence.*

"By the law of nature, I understand those fit and just rules of conduct which the Creator has prescribed to man as a dependent and social being, and which are ascertained from the deductions of right reason, though they may be more precisely known and more explicitly declared by revelation."—Chancellor Kent (quoted by Mackensie, *Roman Law,* p. 54.)

"We might define it as the law which determines the conditions of perfect human co-existence."—Lorimer, *The Institutes of Law,* Introd. p. 2, 2d ed.

DIFFICULTIES

Obj. 1. We cannot admit as belonging to human nature what deprives man of liberty. But law deprives man of liberty. Therefore, there cannot be a Natural Law.

Reply. Dist. maj.: . . . what deprives man of freedom of choice, conc. maj.; of freedom of independence, neg. maj. Contrad. min.

Inst. But the Natural Law would deprive man of freedom of choice; therefore, it cannot be admitted. Proof of min. subs. Every law imposes a necessity. But what imposes a necessity deprives man of freedom of choice. Therefore, the Natural Law would deprive man of freedom of choice.

Reply. Neg. min. sum.: In proof, dist. maj. Every law imposes a physical necessity, i.e., physically determines the will, neg. maj.; imposes at least a moral necessity or obligation, that is, morally binds the will, but leaves it physically free, conc. maj. Contrad. min.

Obj. 2. If the natural law existed, it would be inseparably connected with human nature. But no law is inseparably connected with human nature; because children and the insane are not bound by any law. Therefore, the natural law does not exist.

Reply. Dist. maj.: . . . it would be inseparably connected with human nature, at least in its **first remote act,** conc. maj.; in its **first proximate** and in its **second act,** neg. maj. Contrad. min. The Natural Law, considered in its **second act,** is the actual judgment on moral conduct, e.g., "Do good and avoid evil," "I must not kill," "This particular action is forbidden," etc. Considered in its **first act,** it is the inclination or aptitude of forming such practical judgments. This latter may be proximate or remote. In its **proximate first act** it is the inclination or aptitude of forming such practical judgments by reason of acquired habits; in its **remote first act** it is nothing else than the intellect itself, which of its very nature is inclined to form such practical judgments, and is prevented from doing so solely by extrinsic and accidental causes, as in the case of children and of the insane. Hence, in its remote first act it exists in all men; in its second act it exists only in those who **have the use of reason.**

Obj. 3. God is most free in all His external actions. Therefore, He is free to promulgate the natural law or not.

Reply. Dist. maj.: God was most free to create or not create, conc. antec.; supposing the decree of Creation, He was free to impose or not to impose the natural law, i.e., was free to will or not to will that man should, by the observance of the moral order, tend to his final end, neg. antec.

Obj. 4. If there existed a natural moral law, human laws would be unnecessary. But this is contrary to the experience of men. Therefore, a natural moral law does not exist.

Reply. Dist. maj.: If the natural law were clearly manifest in every particular case and if it clearly determined all the means by which the end of society is to be ascertained, conc. maj.; if such is not the case, neg. maj. Contrad. min. (Cf. Thesis 21.)

V. ATTRIBUTES OF NATURAL LAW

THESIS 20

The natural law is unchangeable and so far as its primary and secondary principles are concerned cannot be invincibly unknown to men whose reason is developed.

INTRODUCTION

Having established the existence of a natural moral law directing man's volitional activity to its divinely-appointed last end, it is now in order to investigate the more important characteristics or properties of this law. This is done in the present and the three following theses, wherein are treated the natural moral law's—

1) **Immutability and Knowability,**
2) **Inadequacy,**
3) **Sanction.**

EXPOSITION

UNCHANGEABLE: i.e., cannot be changed. This means that the commands and prohibitions of the natural law always remain the same and retain their obligatory character. By this assertion, therefore, we deny that the natural law can undergo any of the following kinds of changes:

EXTRINSIC: a change which is made by the lawgiver;

a) by **DEROGATION,** i.e., by the cancellation of a part of the law and the retaining of the rest of it in force;
b) by **ABROGATION,** i.e., by the cancellation of the whole;
c) by **DISPENSATION,** i.e., by withdrawing from the obligation of the law a certain individual, the law meantime remaining in force.

INTRINSIC: a change either in whole (i.e., by abrogation), or in part (i.e., by derogation), which is, so to speak, brought about spontaneously because the prescriptions of the law have become useless or harmful.

PRINCIPLES: i.e., the practical judgments of reason which according to the foregoing thesis are the natural law **looked at formally.**

N.B.—It should be recalled again here that these judgments are called **practical** because they affirm not only an **ideal** of conduct, but an **obligation** of acting in accord with said ideal. Clearly, so far as the ideal of conduct is affirmed, they are of the same character as speculative judgments; as an affirmation of obligation, they have motive power on the will.

These practical truths of conduct are of three kinds. HENCE:

PRIMARY: Those universal and ultimate truths which are so immediately evident in themselves that they need no demonstration. Instances of such are:

"Do good and avoid evil."
"Lead a life in accord with reason."

N.B.—Radically, the natural law consists of one supreme and universal principle. St. Thomas, starting from the premise that good is what primarily falls under the apprehension of the practical reason—that is, of reason acting as the dictator of conduct—and that, consequently, the supreme principle of moral action must have the good as its central idea, holds that the supreme principle, from which all the other principles and precepts are derived is:

"good is to be done and evil avoided."

This first principle may, of course, take other forms of expression as "observe order."

SECONDARY: Those truths of moral conduct which immediately and necessarily flow from the primary principles, or which, by an easy and obvious inference, are deduced by the application of ultimate truths to specific cases of right and wrong, so that all men possessing the use of sane reason can and necessarily must acquire knowledge of them. Such are, for instance:

"Adore God,"
"Honor your parents,"
"Practice honesty, temperance, truthfulness,"
"Do not steal."

TERTIARY: Those more remote conclusions derived from the two preceding classes, which are reached only by more or less difficult processes of reasoning, or which we have to reason out step by step as we would a difficult proposition in geometry. Examples are:

> "Duelling, lying, divorce, etc., are illicit and forbidden under all circumstances."

UNKNOWN: The second part of the thesis treats of the **knowability** of the primary and secondary principles of the natural law. In this connection, recall the definitions and divisions of **Ignorance** given in Thesis 5.

INVINCIBLY: The meaning of this part of the thesis is that **not even humanly** invincible ignorance of these principles can be had in the case of men whose

REASON IS DEVELOPED: Reason is as subject to limitation in regard to practical as to speculative truths. It may receive different degrees of development, and may be perverted. Moral education is as necessary for moral development of reason as is other kinds of education for the development of reason in other departments of thought.

> The degree of development we have in mind in the thesis is that which is attained by the normal man through average individual effort and social influence. It is, therefore, that degree which excludes not only infants and the habitually insane, but also those who are clearly weak-minded and mentally blind as to what touches the proper conduct of a man's life.
>
> N.B.—Such men do exist, as is clear, and their state can be attributed to:
>
> a) defective or perverted moral education; or
>
> b) morally bad customs introduced in most cases with knowledge that they are evil, by preceding generations and handed down as quite the natural thing;
>
> c) a state of degeneracy from the normal moral view-point which state has been produced by the evil habits formed by preceding generations.

The further questions as to whether even this latter class of men can be ignorant of the primary principles and as to the possibility and degree of ignorance on the part of even the normally developed regarding the tertiary principles will be mentioned briefly in a scholion of the present thesis.

PROOFS

Part I. THE NATURAL LAW IS UNCHANGEABLE.

a) INTRINSICALLY:

That law is intrinsically unchangeable whose prescriptions cannot either in part or in whole become useless or harmful.

But the natural law is such. *Therefore.*

Major: Clear from definition of intrinsic changeability of law.

Minor: Precepts based upon man's rational nature and its essential relationships cannot become useless or harmful either in part or in whole.

But the prescriptions of the natural law are based upon, etc. *Therefore.*

Minor: evident from previous theses.

Major: self-evident; and confirmed as follows:

> It is absolutely impossible that the natural law should ever become useless or injurious to the human race. For the natural law commands those actions which are of their very nature in accord with man's rational nature; and it forbids those actions which are of their very nature out of accord with man's rational nature. In other words, the natural law lays down rules of conduct in regard to actions which have a necessary connection with or opposition to man's ultimate end and absolute good. It is, consequently, inconceivable that such a law should ever become useless or injurious to the human race. Hence, the natural law is not subject to any intrinsic change.

b) **EXTRINSICALLY:**

N.B.—It is evident that if the natural law be subject to any extrinsic change by abrogation, derogation or dispensation, such change could be introduced by no authority except that of God Himself. For since He is the author of the natural law, He alone, if anyone, could change it. But in the thesis we claim that not even God Himself can exercise such power.

The natural law is extrinsically unchangeable, if a change made by God would involve a contradiction of God's nature.

But a change would involve such a contradiction. *Therefore.*

Major: evident.

Minor: The contradiction would consist in this: By creating man's nature, God showed his will that actions in accord with and only actions in accord with that nature looked at in itself and in its essential relations should be performed by man; on the other hand, by changing the natural law He would show that He no longer insisted that such a rule of action be followed. This is clearly a contradiction of His Infinite Constancy of Purpose.

Part II. THE PRIMARY AND SECONDARY PRINCIPLES OF THE NATURAL LAW CANNOT BE INVINCIBLY UNKNOWN TO MEN WHOSE REASON IS DEVELOPED.

If these principles of the natural law could be invincibly unknown to such men, then the eternal law of God would not be sufficiently promulgated.

But the eternal law of God must be sufficiently promulgated. *Therefore.*

Major: For in this supposition the normal man would not have and could not obtain sufficient knowledge of the will of God to be properly and effectively guided in his conduct.

Minor: Evident from the consideration of the wisdom and power of the Law-maker.

N.B.—This argument is confirmed by the history of the human race, testifying in reality to the existence of our "Ethical Fact." For the history of peoples proves that the general principles of the natural law are easily and readily known to all. All peoples have recognized these principles. If it were possible for them to be totally unknown, some race of people would have been ignorant of them. They are recognized even by children. The natural law is, therefore, universally known.

SCHOLIA

I. While we prove in this thesis the same general conclusions with regard to the knowability of both the primary and secondary principles of the natural law, it seems that some difference must be admitted between these two classes of principles when the question of possibility and degree of ignorance and error is examined more in detail. The following conclusions seem to be evident consequences of the truths established in this thesis:

Primary principles of conduct cannot be unknown, nor is the intellect subject to error in their regard.

Secondary principles may be obscured in their particular application by defective or perverted moral education, or by apparent conflict between them.

Tertiary principles may themselves be unknown in various degrees, and, by particular persons, even in a developed moral environment.

In other words, neither the general broad principles of morality themselves nor the proximate and immediate conclusions from them can ever be lost to consciousness. They belong **naturally** to the human mind. **Not** naturally in the sense that they are innate or inborn in man, but in the sense that without any reasoning at all or by a very easy and obvious inference the mind comes quickly and really to acquire them, and cannot help doing so. They are, therefore, more or less evident in themselves and hold the same place in morals that primary truths, the so-called axioms, hold in the speculative sciences. Though the more remote conclusions of the natural law, **the tertiary principles**, are quite as true as the others, they are not so evident, and consequently

it is possible for minds to lose the consciousness of them or even never to come to a knowledge of them. They are obtained only after much reasoning, sometimes only after some experience, and these truths are neither self-evident nor known to all. They are evident only to the wise.

II. As the difficulties brought against the doctrine established in this thesis are neither few nor always easy to answer, the following principles are mentioned as likely aids in handling such objections:

1) Distinction must be made between—

AFFIRMATIVE LAW, which is a command making the performance of an action obligatory—and

NEGATIVE LAW, which is a prohibition making the omission of an action obligatory.

With regard to this division of the prescriptions of Natural Law, the principle is that **negative** laws oblige all persons, always, and at all times; that is to say, there is no occasion when the actual fulfillment of the law, which is one of abstention, ceases. Such are, for instance, the precepts of the Natural Law: "Do not steal"; "Do not commit adultery." **Affirmative** laws also oblige always, in the sense that they are never revoked and that they may not be violated at any time; but they do not oblige in the sense that they must be put into execution at every moment as must the negative laws of abstention. Thus by a negative precept we must abstain from theft continually; but the affirmative precept, which ordains that external honor be shown to parents, does not oblige us to be constantly performing external actions that indicate respect. Such actions are to be performed when the occasion calls for them. However, affirmative precepts do bind at every moment **in the sense in which they may be construed as negative**; thus, there is no moment when we may dishonor our parents.

2) Distinction must be made between the law which is unchangeable and the matter of the law which may vary.

3) Difficulties from **ethnography** may be solved:

a) by showing that facts were observed in the light of preconceived theories, or by disproving through later research the narratives of earlier travelers;

b) by showing that barbarian people have erred through defective or perverted moral education with regard to remote and difficult inferences from primary and secondary principles, or in the application of the latter to particular cases;

c) by not reading into their actions the view-point of civilized people.

COROLLARIES

I. Natural Law INBORN within Us.

Because of these properties of Natural Law established in this thesis, it is said to be inborn in all men. By this we do not mean to assert that a man is born with a certain set of principles fully conceived and developed in his intellect, but we do maintain that there are certain propositions of elemental morality which are inevitably accepted as true as soon as the meaning of said propositions is grasped. We further imply that if a man developed normally in the normally-minded state of society, he will come to more developed canons of morality.

If a person does not admit these primary propositions, he is abnormal morally, just as a person is abnormal mentally if he does not admit that "a straight line is the shortest distance between two points," or that "two and two make four." Indeed, the "primary dictates" of the natural law are in the moral order, i.e., in the realm of man's free activity, what the primary speculative truths are in their own order.

II. Supremacy and Regulative Force of Natural Law.

"This law of nature, being coeval with mankind, and dictated by God Himself, is, of course, superior in obligation to any other. It is binding over all the globe, in all countries, and at all times; no human laws are of any validity if contrary to this; and such of them as are valid derive all their force and all their authority, mediately or immediately from this original."—Blackstone, Introd. Sec. 2, No. 41.

"Upon these two foundations, the law of nature and the law of revelation, depend all human laws; that is to say, no human laws should be suffered to contradict these."—Ibidem, No. 42.

DIFFICULTIES

Obj. 1. It is not repugnant to Divine Wisdom that some men be deprived of the use of reason. Therefore, neither is it repugnant to Divine Wisdom that some men be ignorant of the natural law.

Reply. Conc. antec. Dist. concl.: It is not repugnant that some men be ignorant of the natural law on account of secondary causes or because reason is not sufficiently developed as in the case of infants, conc. concl.; be ignorant on account of deficient promulgation on the part of the legislator, neg. concl.

Obj. 2. Man can be ignorant of particular laws. Therefore, he can also be ignorant of the more general principles of the natural law.

Reply. Conced. antec. Neg. concl. and parity: The necessity of knowing the more general principles of the natural law is much greater than that of knowing the particular applications of those more general principles, because these latter man can himself acquire by the exercise of his own activity. Moreover, the more general principles are absolutely necessary for the maintenance of the essential moral order, while the particular applications are not so necessary and essential.

Obj. 3. Concerning certain precepts of the natural law (i.e., theft, suicide, killing of one's parents, etc.) many people, whole tribes even, have erred. Therefore, the natural law is not known to all men.

Reply. Dist antec.: . . . Have erred concerning these precepts themselves, neg. antec.; concerning the application of these precepts to more difficult circumstances, conc. antec. It is true that whole tribes have erred in matters pertaining to the natural law; but they have erred through defective or perverted education with regard to remote and difficult inferences from primary and secondary principles, or in the application of the latter to particular cases. Thus all men rightly judge that to honor one's parents is a precept of the natural law. Of this general precept no man, possessing the use of reason, can possibly be ignorant. But through perverted education some barbarian people have thought that they honored their parents by killing them in their old age.

Obj. 4. A law depends on the will of the legislator. Therefore, God can change the natural law or dispense from its observance.

Reply. Dist. antec.: A positive law depends on the will of the law-giver, conc. antec.; the natural law, neg. antec. The natural law depends on the will of God in so far as God was most free to create or not create man. But supposing the decree of Creation, He must necessarily will that man should regulate his conduct according to the Eternal Law by observing in his conduct the law of reason. The Almighty, then, cannot be conceived as willing this and at the same time willing the contradictory, that man should be set free from the law entirely through its abrogation, or partially through dispensation from it.

THESIS 21

Positive law, though necessary to supplement natural law, has its power of imposing obligation only from the natural law.

INTRODUCTION

As all the terms of this proposition have already been explained in some one of the foregoing theses, no further exposition is here necessary. We need only prove the two parts of the thesis. However, since the positive laws which we are most familiar with and which are most commonly enacted are **HUMAN** positive laws, proceeding, as we know, from the authority of the State, the following paragraphs will not be without value in further illustrating the importance of the propositions we are here about to prove.

For the proper direction of the community, and the securing of the common good of that community, the natural law has to be supplemented by certain rules or norms of action in which special account is taken of the needs of particular communities. Such rules or norms of action are known as positive human laws, because they must be enacted and promulgated by human rulers. These laws are necessary for two reasons: first, in order to enforce the necessary conclusions of the natural law—conclusions which many men might either not be aware of or might be inclined to disregard; secondly, in order to determine certain things which the natural law leaves undetermined and the determination of which depends on particular circumstances.

> "To give an illustration, we may say that we are bound by the natural law to support our lawfu' government. Now, though there may be a best way of doing this, this best way is not made known, by reason, to every one, with the same clearness as is the general principle or precept, 'Do good and avoid evil.' So, in the vast and complicated machinery of a city or nation, for instance, if each individual were to undertake, with his very limited knowledge, to determine the best way, we should have almost as many methods as individuals, and not one in a thousand would be of any value. The confusion would be indescribable; and the conduct of the civil society would be an impossibility. It being necessary, therefore, to have something determined and uniform, this uniform method being once fixed upon, must, for the very existence of the society, be imposed as a positive law by the person or persons in whom the authority resides."—Poland, *Fundamental Ethics*—Art. 8, No. 229.

Positive human law, then, has for its special subject-matter those duties pertaining to the common good which are not expressly and evidently dictated by nature to all minds as are the universal first principles of the natural law, or the first self-evident inferences or judgments of right Reason. It may not ordain anything contrary to the natural law, but it may and must determine with more precision the bearing of the natural law, and, for good reasons, supplement its conclusions.

As a consequence of this description of Positive law and its contrast with Natural law, the following exposition of the differences between the two will be clear:

NATURAL LAW.

a) Obligation arises from God's will, hypothetically **NECESSARY.**

b) Matter is only what is **INTRINSICALLY GOOD** or **BAD.**

c) Promulgation is by the very **NATURE** of things.

d) **INSEPARABLE** from human nature, **UNIVERSAL** and **INVARIABLE.**

e) Essentially **DIVINE.**

POSITIVE LAW.

a) Obligation arises from ruler's will, absolutely **FREE.**

b) Matter is also and chiefly what is intrinsically **INDIFFERENT.**

c) Promulgation is by some **CONVENTIONAL** sign.

d) **SEPARABLE** from human nature, **LOCAL** and **VARIABLE.**

e) Either **DIVINE** or **HUMAN.**

PROOFS

Part I. POSITIVE LAW IS NECESSARY TO SUPPLEMENT NATURAL LAW.

Positive law is necessary, if natural law is not sufficient for man.

But natural law is not sufficient for man. *Therefore.*

Major: Evident.

Minor: Clear from the following considerations:

a) Because the dictates of right reason may be obscured under certain circumstances and so must be clearly formulated that the unlearned may be certain of their obligations.

b) Because necessary deductions must be drawn from the known principles of natural law that men individually and collectively may make that progress which is in keeping with their nature. These deductions must then be formulated into laws by those in authority.

c) Because the changing conditions of complex social life must be met and the new social interaction of men must be harmoniously readjusted by new laws, which though ultimately dependent on natural law for their authority, would never by any process of abstract thought be deduced therefrom.

N.B.—In the light of this argument, it is clear that human positive laws may be divided with respect to the natural law into two kinds:

a) DECLARATIVE POSITIVE LAW — a law which prescribes or prohibits that which is requisite for the conduct of mankind, and which is deduced by a necessary illation from the fundamental principles of the natural law.

b) DETERMINATIVE POSITIVE LAW — a law which prescribes or prohibits that which would not be inferred in such a way from the natural law, e.g., law of driving on right hand side of street.

Part II. POSITIVE LAW HAS ITS POWER OF IMPOSING OBLIGATION ONLY FROM NATURAL LAW.

Positive law has its power of imposing obligation from the principle, "Just laws of Superiors are to be obeyed." *But* this principle is a principle of the natural law. *Therefore.*

Major: Evident.

Minor: Evident upon an examination of man's contingent and social nature.

THESIS 22

Positive law, to impose obligation, must proceed from legitimate authority and must be just, possible and properly promulgated.

INTRODUCTION

The sense of this thesis is that any so-called law, which does not proceed from legitimate authority and is not both just and possible, is not capable of imposing a real obligation on the wills of its subjects, so that they are bound "in conscience," as we shall afterwards use this expression (Cf. Thesis 24), to obey its prescriptions.

> "It is to be remarked, however, that there are cases where the human law, having no binding power in itself, must, nevertheless, be obeyed for reasons springing from the natural law. For, the thing commanded being in itself an indifferent matter, that is, neither obligatory nor prohibited by reason of its very nature, the circumstances may be such that to avoid positive evil, as public scandal, great civil disturbance, or even bloodshed, etc., we may be bound by the natural law to obey. And, in general, whenever there is not moral certainty that the law is unjust, it must be obeyed, because the law has the presumption in its favor; and there may readily be hidden reasons which are not apt to be, and need not be, open to each individual subject."—Poland, *Fundamental Ethics,* Art. 8, No. 235.

EXPOSITION

LEGITIMATE AUTHORITY: that is, the law-maker must have jurisdiction over this subject in the matter of this particular law.

JUST: that is—

1) the law must not prescribe what is morally bad and must not invade the natural rights of its subjects. (Cf. Thesis 26.)
2) the law's purpose must be the community well-being, i.e., the common good.

POSSIBLE: that is—

1) physically, i.e., the subjects of the law must have the required ability to observe it;

2) **morally,** i.e., the difficulties attending the observance of the law must not benumb an **ordinary** subject's efforts.

N.B.—This possibility must be ascertained by an investigation of man's nature in itself, of racial habits, and of local and transitory conditions.

PROPERLY PROMULGATED: that is, so brought to the knowledge of the subjects that its existence and meaning and obligatory character are not matter of doubt, but are known with certainty.

N.B.—With regard to this requisite of a valid law note the following:

1) The manner of promulgation depends on the will of the law-maker. In practice, it is regulated by the special customs of different nations. But the necessary end of promulgating laws is accomplished when their existence is known or, humanly speaking, can be known by the people.

2) As soon as a law has been properly promulgated, it is binding upon those for whom it is intended, no matter whether they approve it or not, because the law-making power is derived, as was equivalently proved in the last thesis, and as will be explicitly proved in the Ethics of Civil Society, from God, the Author of the Natural Law. Only when a law is **indubitably** unjust or impossible may it be rejected by those for whom it was made. Hence, in a democratic country the people are in duty bound to obey the just laws passed by their representatives.

3) Although invincible ignorance of the existence of a law excuses transgressors from guilt in the court of conscience, such transgressors are sometimes punished in civil tribunals as though they were culpable. The reason of this is, that, otherwise, the conduct of civil society would be impossible. The civil authority having taken all the means necessary to make the law known to the citizens, cannot take into account every subsequent plea of ignorance; since all transgressors might claim invincible ignorance, and there would be no possibility of enforcing the law.

Part I. TO IMPOSE OBLIGATION POSITIVE LAW MUST PROCEED FROM LEGITIMATE AUTHORITY.

To impose obligation, positive law must be capable of restricting man's free will.

But nothing is capable of restricting man's free will that does not proceed from a source that has authority over that free will, i.e., from legitimate authority. *Therefore.*

Major: Evident from notion of obligation.

Minor: Evident from preceding theses.

Part II. TO IMPOSE OBLIGATION, POSITIVE LAW MUST BE JUST.

To impose obligation, positive law must be based upon the natural law.

But what is based on the natural law must be just. *Therefore.*

Major: The conclusion of the preceding thesis.

Minor: Evident.

Part III. TO IMPOSE OBLIGATION, POSITIVE LAW MUST BE POSSIBLE OF OBSERVANCE.

To impose obligation, positive law must make an action or omission of action necessary.

But an action or omission which is not possible cannot be made necessary. *Therefore.*

Major: Evident from notion of obligation.

Minor: Evident.

N.B.—It is equally clear that even in the case of the **NATURAL LAW** the thing commanded or forbidden must be such that it is capable of being done or omitted.

Part IV. TO IMPOSE OBLIGATION, POSITIVE LAW MUST BE PROPERLY PROMULGATED.

To impose obligation, positive law must be applied to its subjects.

But this application is made through proper promulgation. *Therefore.*

Major: Evident from notion of law and obligation.

Minor: Evident from notion of promulgation of law.

N.B.—This requisite for a law's obligation is also equally clear of the natural law, as has been seen in a previous thesis.

SCHOLIA

I. Every positive law which has the qualities demanded as essential in this thesis is in reality nothing more or less than, as St. Thomas expresses it, an application of the will of God to some special conditions or circumstances of human life. Such a law, therefore, binds man not only externally, so to speak, i.e., under pain of punishment (Cf. next thesis on **SANCTION**), but also and chiefly internally or, as we say, in conscience.

On the other hand, laws which lack any of these essential qualities and which are called in consequence unjust laws, do not bind in conscience because they are, as St. Thomas says, "acts of violence rather than laws." With regard to these the following principles embody helpful rules for practical guidance:

"a) No one is obliged to obey a precept which it is morally impossible for him to fulfill. However, when the whole of an obligation cannot be fulfilled, and the matter is susceptible of division, we are not excused from fulfilling a part.

"b) A law which runs counter to the moral law of nature not only does not oblige in conscience, but must be resisted passively.

"c) An indubitably unjust law does not bind. If, however, a law is just in its object, and unjust only in its origin or purpose, it may be obeyed, provided obedience does not involve the violation of some other moral duty. Obedience may even be a strict duty, namely, when some higher moral good would be jeopardized by disobedience, as is the case of public scandal or revolt, provided always that no just law is violated. In the words of the Angelic Doctor, 'Unjust laws are not binding in the court of conscience, except perhaps to avoid scandal or turmoil, for which cause a man ought to abate something of his right . . .'

"d) Laws which imperil higher rights or interests may be resisted by all legal means, such as remonstrances, appeals, petitions, agitation in the public press. To employ illegal means is tantamount to sedition. No matter what the provocation, revolution against a legitimate government is forbidden, because revolution, by its very concept, is an attack upon actually existing and divinely sanctioned rights."—Koch-Preuss' *Handbook of Moral Theology*, Vol. I., p. 166 ff.

II. As to the degree and extent of the obligation of a law, the same author gives us the following:

"Unlike divine laws, human laws never bind **absolutely.** The obligation they impose depends in each case primarily on the will of the law-giver and secondarily on the matter involved.

"a) When the matter is light and trivial, i.e., when the precept is of no importance for the common good, either in itself or by reason of attendant circumstances, the obligation is slight. When, on the other hand, the matter is grave, i.e., when the law or its object is in itself important or rendered so by circumstances, the resulting obligation is serious.

"b) The intention of the law-giver may either be gathered from the purpose of the law or inferred from the wording chosen or the penalty imposed.

"c) A human law ordinarily does not bind *cum gravi incommodo,* and hence may be disregarded if its observance involves any serious inconvenience, such as danger to life and limb, loss of honor, health or fortune, etc. The reasons for this exemption are: 1) A law, to be binding, must be physically and morally capable of fulfilment; 2) No human legislator has power over the life, health or property of his subject, unless higher interests are at stake.

"There are, however, circumstances in which human laws bind even at the risk of life or death, e.g., 1) when the common good or the eternal salvation of one's fellow men are involved, as often happens in the case of priests and soldiers; 2) when disobedience involves formal contempt of authority or the danger of grave scandal. In all such cases a law binds, even at the risk of life or health, for the reason that the common good is superior to that of the individual."—*Idem,* p. 170, ff.

THESIS 23

The perfect sanction appertaining to the moral law, which is the realization or frustration of the final perfection of man's rational nature, is obtainable only in a future life.

EXPOSITION

SANCTION: The term is **derived** from the Latin *Sancio,—ire,* which means to render sacred or inviolable.

The term is **defined**—

1) **Actively**—The decree of the law-giver by which rewards and penalties are apportioned for the observance or violation of the law.
2) **Passively**—The rewards and penalties so apportioned.

The term is **applied**—

1) in its **native** sense equally to rewards and punishment;
2) in its **ordinary** usage more commonly to punishment only.

PURPOSE of Sanction: is to provide efficaciously for the observance of the law by giving to the rational subject a motive sufficient to entail the consenting activity of his will to the law.

1) **Primary purpose**—to induce to the observance of the law and to dissuade from its violation. This purpose, being **preservative** in character, is emotive, i.e., moves the will to observe the law.
2) **Secondary** purpose—to re-adjust through reward or punishment the objective order of justice. This purpose, being **curative** in character is effective subsequently to the observance or the violation of the law and independently of volition on the part of the subject of the law.

CLASSIFICATION of Sanctions:

A.—As to **NATURE:**

1) **Premial**—if a reward is promised for merit.
2) **Penal**—if a punishment is threatened for demerit.

Most sanctions in civil law are penal. The reason for this is that the man who has the interest of the individual, domestic and social order really at heart, finds sufficient appeal in the intrinsic purpose of the civil law, i.e., the well-being of these various orders. Moreover, the State could hardly directly reward all law-abiding citizens. It does reward them in a general way by the benefits accruing from life in a well ordered State.

N.B.—"Penal" here is used in a generic sense, as is evident. In municipal or civil law, sanctions are of two kinds, both of which are "penal" in this general sense:

a) *Civil*—those which redress civil injuries.

b) *Penal*—those which punish crime.

B.—As to **ORIGIN**:

1) **Natural**—if the sanction is the natural outgrowth of action placed in conformity with or in violation of law.

a) *Purely mental* natural sanction, e.g., peace of mind or remorse.

b) *Physical* natural sanction, e.g., health or disease.

"God's vengeance does not manifest itself in extraordinary occurrences. The logical outcome of our faults insures our punishment." —Bourget, *Divorce*, p. 29.

2) **Positive**—if the sanction is imposed by the free will of the lawmaker.

C.—As to **SUFFICIENCY OF APPEAL**:

1) **Adequate**—if the reward or punishment is sufficient to move a rational will.

2) **Inadequate**—if the reward or punishment is not sufficient to move a rational will.

D.—As to **EQUALITY**:

1) **Proportioned**—if there is an equality between merit and reward, demerit and punishment.

2) **Unproportioned**—if there is a lack of such equality.

N.B.—This proportion is not always to be measured solely between the act done and its immediately subsequent effect.

"With respect to matters touching upon the very existence of the community, as on politics and social organization, which are those with which criminal law is conversant, the danger to the community of the prevalence of crimes is out of all proportion to the special losses and suffering of individual persons. Hence, comes the necessity of taking a standard for the measurement of the penalty wholly different from that supplied by the measure of compensation due in particular cases."—Amos, *The Science of Law,* Ch. III, p. 37.

E.—As to **COMPLETENESS:**

1) **Perfect**—an adequate and proportioned sanction.
2) **Imperfect**—a sanction which is inadequate or unproportioned or both.

F.—As to **OPERATION:**

1) **Automatic**—a sanction which is incurred at once. All natural sanctions are automatic.
2) **Incurrible**—a sanction which is incurred only after judgment has been passed on the action.
    a) *Fixed* incurrible sanction—a sanction which is unalterable by the one who passes the judgment.
    b) *Discretional* incurrible sanction—a sanction which may be adjusted by the one who passes the judgment.

G.—As to **SPHERE OF SANCTION:**

a) **Sanctions of the individual order**—i.e., a reward or punishment that affects a man precisely as an individual.
b) **Sanctions of the social order**—i.e., a reward or punishment that affects a man in his relations with other men.
c) **Sanctions of the universal order**—i.e., a reward or punishment that affects a man in his relations with his Creator.

N.B.—As our thesis deals only with the Natural Sanctions of the Natural Law and as these are found in all three orders, the following enumeration of the same will be a help in understanding the force of our proofs:

1) In the **INDIVIDUAL** order, which consists in the subordination of the lower appetites to the dictates of right reason, the sanctions are approval or remorse of conscience, the enjoyment or loss of mental or bodily health.

> "We know, even by experience, that virtue, or the observance of the law, brings peace of mind; and that vice brings bitterness of soul, however much men may dissemble. Temperance in all things very naturally brings health and strength of body; whilst intemperance is followed by disease and accelerates death."

2) In the **SOCIAL** order, which consists in the essential relations of man to his fellow man, the sanctions are the social good or evil that follows upon the attention to or disregard of those relations.

> "Virtue is followed by esteem, and vice by contempt. Even amongst nations, those are happy where virtue is fostered and flourishes; those tend rapidly to dissolution where vice is unchecked."

3) In the **UNIVERSAL** order, which consists in the relation of man to his Creator and his last end, the sanctions are final union with, or separation from God, and attainment or loss of man's last end.

> "**Law** is never anything but the Divine formula of life. Whence it comes that the penalty of breaking it is death."—Gay, *Religious Life and the Vows*—Introd., p. 10.

PROOFS

Part I. THERE IS A PERFECT SANCTION APPERTAINING TO THE NATURAL LAW.

There is a perfect sanction appertaining to the natural law, if the author of the natural law is righteous, wise and just.

But He is. *Therefore.*

Major: No **righteous** legislator can be indifferent as to whether his law be observed or violated; and will, therefore, safeguard its observance by sanctions.

A **wise** legislator will necessarily assign an **adequate sanction.**

Even a human lawmaker, if ordinarily wise, knows antecedently that man, as he is, is swayed by passions and is often a prey to them, unless given a cogent motive for self-restraint. Historically, we learn also that a law without a perfect sanction often fails to bring about its effect. To the **ideally upright man** the purpose of the law (i.e., the end to be obtained by observance of the law) will be sufficient motive for action, but to other men rewards and punishment must be foreordained.

A **just** legislator will **proportion** the sanctions of his law to the merit of observing it or the demerit of violating it.

The very concept of law founded in the nature and essential relations of things involves as a complement of its observance or violation a good or evil justly proportioned thereto. A law, the observance of which would ultimately result in harm to the subject, and the violation of which would redound to his ultimate benefit would be **irrational.**

But an **adequate** and **proportioned** sanction is a perfect sanction. *Therefore.*

Minor: Evident.

Part II. THE SANCTIONS OF THE NATURAL LAW IN THIS LIFE ARE NOT PERFECT.

That the sanctions of the natural law be perfect, the following conditions are necessary:

1) that the benefits outweigh the disadvantages of observing the law, and the good found in violating the law be less than the evil, that likewise follows, and

2) that the rewards for observing and the pains for violating be proportioned respectively to observance or violation.

But in this life these conditions are not always fulfilled with regard to the natural law. *Therefore.*

Major: clear from an examination of the conditions enumerated; for they constitute an adequate and proportioned sanction.

Minor: evident from an examination of the natural sanctions of the individual and social order, from the fact that the need of positive sanctions is recognized to supplement the efficacy of natural sanctions, and from the fact that at times life itself must be sacrificed for the observance of the moral law.

Part III. THE PERFECT SANCTION OF THE NATURAL LAW IS OBTAINABLE ONLY IN A FUTURE LIFE.

The perfect sanction of the natural law is obtainable either in the present or in a future life.

But it is not obtainable in the present life. *Therefore.*

Major: Evident from the fact already proved that it is obtainable.

Minor: Proved in Part 2 of this thesis.

Part IV. THE PERFECT SANCTION OF THE NATURAL LAW IS THE REALIZATION OR FRUSTRATION OF THE FINAL PERFECTION OF MAN'S RATIONAL NATURE.

A.—The perfect sanction of the natural law is the reward or punishment which **naturally** follows the observance or violation of that law and which is both adequate and proportioned.

But such reward or punishment is the realization or frustration of the final perfection of man's rational nature. *Therefore.*

Major:

1) Sanction of the **natural** law must be a reward or punishment which **naturally** follows upon observance or violation of same.

2) **Perfect** sanction must be adequate and proportioned.

Minor:

1) Realization or frustration of the final perfection of man's rational nature is that which follows **naturally** upon his observance or violation of law, since observance of law tends increasingly to the perfection of that nature and violation of the law tends increasingly to the degradation of the same (Cf. theses on Norm of Morality, Relatively Last End and Merit), and the limits of these progressive tendencies are respectively the realization and frustration of the perfection of that same nature.

2) SUCH realization or frustration of the perfection of man's rational nature constitutes—

   a) an **adequate** sanction, that is, gives a motive sufficient to move a rational will to observe the law; and

   b) a **proportioned** sanction, that is, one that is fully adjusted to the merit or demerit of the agent's conduct.

B.—This part of the thesis can be worded as follows: "The perfect sanction of the moral law consists in the attainment or loss of beatitude."

Proof: The perfect sanction of the moral law consists in the attainment or loss of beatitude if this sanction alone is sufficient to impel man to the observance of the law.

But this sanction alone is sufficient to impel man to the observance of the law. *Therefore.*

Major: Clear, for an insufficient sanction is not a perfect sanction.

Minor: Clear, for if violators of the law are to obtain beatitude finally and reach their last end, no other sanction (let it be as great or as long as you will) would deter them from evil. Conjure up in your mind any other sanction or penalty. Let it be any number of years filled with suffering. Double it, triple it if you will. Once grant that it will end, once grant that the wicked will attain beatitude, as well as the good and what will be the result? Men will sin with the assurance that some day they will

be happy for all eternity. Any finite or temporal evil looks small and insignificant when compared to a state of happiness that has no end. The thing that bothers most of us is not what we shall be for a certain period, but what we shall be for eternity.

Thus with any other sanction outside the loss of beatitude men could defy God and say: "I may be punished for a time, but finally I shall reach beatitude no matter what I do here below."

SCHOLIA

I. Concerning the position taken by other schools of thought on the subject of sanction, it is well to note that with regard to premial sanction there is no controversy; penal sanction has been challenged by atheistic rationalism. Its **vindicative** character is regarded as **vindictive.**

N.B.—This distinction between a sanction as vindicative and a sanction as vindictive is important. A sanction is inflicted **vindicatively** if the reason is a vindication of the supremacy of law and order; it is inflicted **vindictively** if the reason is a desire to do harm to another.

But **primarily** sanction is preservative; secondarily only, i.e., subsequent to the volitional act, it is vindicative. The lawgiver does not will punishment as an evil to the subject. but as a reparation of order; nor can the preservative character of sanction be retained, if its vindicative character is denied.

II. As reward is the correlative of merit, so punishment is the natural correlative of demerit. In its relation to Justice, demerit differs from merit in one important particular, namely, that merit is not always *ex rigore Justitiæ*, whereas demerit always is. No man can punish another unless he has **the strictest right in justice** to do so. With this exception, demerit and merit, and consequently punishment and reward, follow exactly the same laws, and are built upon the very same foundations. Merit is the right to have restored the natural equilibrium of possession (i.e., any good thing owned by another) which I have freely disturbed at my expense and in another's favor. Demerit is the necessity created by my action of having to restore the natural equilibrium of pos-

sessions which I have disturbed in violating the right order of Justice in regard to these possessions. Hence, merit is the exigency to be rewarded or recompensed, inherent in a good action; demerit is, in the same way, an exigency, or rather unfitness in the action, deserving to be requited by punishment.

The essential element in punishment is the infliction of pain upon a man for ill-gotten pleasure—a pleasure unduly received at the expense of another. That other is either God, or Society, or an individual man, for all three have rights which may be violated or offended. Punishment, therefore, is primarily and essentially retributive in its character, that is, its effect is **retrospective,** not **prospective,** and whatever other function may belong to punishment, such function depends upon and presupposes the retributive or retrospective function.

The opposite view, that punishment is primarily and essentially emendatory and deterrent, is held by Sidgwick and many other philosophers. According to Sidgwick, the opinion that punishment is not retributive but "reformatory and deterrent," is "the more practical view and the one towards which civilization—quite apart from the free will controversy—seems on the whole to tend." Against this view that punishment is essentially emendatory, the following arguments may be urged:

a) In the popular conception, punishment is always retrospective in its character. It is always regarded as inflicted on account of crime. The use of the surgeon's knife is not regarded as punishment even though it saves a person from death.

b) Punishment must always be proportioned to the crime. Were the emendatory end primary, punishment should be proportioned not to the crime, but to what is necessary for the improvement of the criminal.

c) If punishment is primarily and essentially emendatory, it would be useless, and, therefore, immoral, to punish a hopeless recalcitrant. But even the hopeless recalcitrant must be punished. Therefore, the emendatory theory is not true.

Although punishment is primarily retributive in character, a good government in inflicting punishment, will always have before its mind's eye not only the restoration of Justice, but also the good of the individual who is punished.

Government, indeed, could not inflict pain on an individual **merely** for his own good. But granted that a person has already put himself in the power of government so that it becomes a right of the government to punish him on account of some crime, it is then the right as well as the duty of government so to choose the kind of punishment to be administered as to secure not only justice, but the personal improvement of the offender. Punishment regarded in this latter way is known as **emendatory.** And it will be evident that, as emendatory, and, therefore, as prospective, punishment always supposes the retributive or retrospective element, and would be unjust without such element. Emendation, therefore, is neither the primary nor the exclusive element in punishment.

VI. CONSCIENCE

THESIS 24

Conscience, or reason, when it applies the principles of the moral law to individual acts, is to be obeyed when it is prudentially certain, even if it be invincibly erroneous. To act with a doubtful conscience is always unlawful.

INTRODUCTION

Moral law, whether natural or positive, constitutes a certain objective norm binding man to regulate his conduct in accordance with its requirements. In order, however, that the law attain its end and be a directive norm of human conduct, it is required that man know the law as binding here and now, that he be able to apply it to particular and concrete actions. For law consists for the most part of general practical principles; it says, e.g., "Do not steal," but it does not tell us whether the concrete action we are about to perform is an act of theft and, hence, forbidden or not. Now the application of the law to individual, concrete actions, or the discernment of the relation existing between individual actions and the law, is the special function of moral faculty which we call conscience.

The word **conscience** is derived from the much wider term *conscientia,* which signifies the state of being aware of one's own actions. It must be carefully distinguished from the similar English term **consciousness,** which is also from *conscientia.* "In English," says Father Rickaby, "we have done with a Latin word what neither the Latins nor the French have done; we have doubled the term, making 'conscience' stand for the moral department and leaving 'consciousness' for the universal field of objects about which we become aware." To say, therefore, that consciousness attests the existence of conscience, means that we are immediately aware of the fact that we have a conscience.

Conscience is frequently called the voice of God or a manifestation of His will in the hearts of his rational creatures. "This conception is substantially correct because conscience acquaints man with the dictates of the divine law, which is a power he may not contemn. But conscience is not always the voice of God. Like any other human judgment, it may be

erroneous. History proves this without a doubt. As man has at various times held erroneous opinions in other matters, so one may (by false training or for other reasons) hold erroneous opinions in moral questions."

Experience goes to show that laws are not presented to the human mind as facts are, immediately and intuitively. Neither, on the other hand, is the human mind directed to the fulfillment of law as animals are by the compulsion of inner instincts. In the case of man, the apprehension of a law and its application to conduct here and now invariably imply reasoning. Hence, conscience is simply an act of that faculty by which we are enabled to elicit reasoned judgments about right and wrong, good and evil—an act of the understanding or reason. It is fundamentally that very faculty by which we carry on our deductions in any science outside the sphere of morals. What is called Conscience is merely the act which is elicited when we use this faculty (Reason) on moral matters—the act, namely, by which we judge whether an action is good or bad and hence to be done or to be avoided. But conscience is a **particular function** of our intellect; for in morals we have not to do with speculative truth, but with human actions. Hence, conscience is called an act not of the speculative, but of the **practical intellect.** That practical intellect, however, of which conscience is a function is the ordinary practical intellect—the very same intellect which tells us what to do or to avoid in ordinary extra-moral questions of the business of life—how, for instance, we ought to invest our money, or carry on business, or preserve our health.

EXPOSITION

CONSCIENCE is—

1) (in a wide acceptation) the practical judgment of intellect regarding the moral goodness or badness of a volitional act.

   N.B.—Evidently the term may be applied in this sense to past, present or future acts; if applied to present or past, the judgment made is that of a **Judge** and is called "Consequent" Conscience; if applied to future, the judgment made is that of a **Guide,** and is called "Antecedent" Conscience.

2) (in a strict acceptation) only **this antecedent judgment of a Guide** and is defined as—

The last practical judgment of the intellect regarding the moral goodness or badness of a volitional act here and now to be performed.

N.B. — "Last" here means that which immediately precedes the determination of the will.

ACTS of Conscience in second acceptance of term—are four in number; it—

a) **Commands** the will to act by insisting upon the law.

b) **Forbids** the will to act by insisting upon prohibition.

c) **Persuades** the will to act by counselling.

d) **Permits** the will to act by testifying to the lawfulness of action.

FORMATION of Conscience—the process by which the intellect arrives at the judgment called conscience is essentially syllogistic. The major premise is some universal practical truth; the minor is its application to the particular case in hand; the conclusion (i.e., conscience itself) is the final judgment as to the moral character of the act under consideration.

For example:

MAJOR: Lost articles are to be returned to their rightful owners;

MINOR: The purse I picked up is a lost article;

CONCLUSION: Therefore, I must return this purse to its owner;

OR:

MAJOR: Murder is wrong and must be avoided;

MINOR: The operation I am about to perform involves murder;

CONCLUSION: Therefore, I may not perform this operation.

The mind always goes through this process in passing judgment on particular cases, at least implicity, but the process, through habit, becomes so

rapid as not to be noticeable in ordinary matters. Hence, conscience, taken in its integrity, is not a simple, but rather a complex act of the mind.

KINDS of Conscience—

A) divided in conformity or difformity with objective truth:

Correct is a true judgment as to the morality of the act.

Erroneous is a false judgment as to morality of act.

Erroneous conscience is either—

1) Invincibly erroneous—in which the error could not have been avoided, or
2) Vincibly erroneous — in which the error could have been avoided with ordinary effort.

(Cf. Thesis 5, page 10—Definition of vincible and invincible **ignorance.**)

B) divided as to firmness of assent in judgment:

Certain is a judgment made with no fear of the opposite.

Doubtful (or Probable) is a judgment giving assent to one of two contradictory propositions with fear of the truth of the opposite.

N.B.—1. The term "Doubtful" Conscience is often used to designate the state of mind in which **no** assent is really given to either side of the contradictories. To those who use this terminology the kind of conscience which we have called "Doubtful" above, is known as "Probable." This difference in the use of terms is easily understood for the simple reason that every probable judgment, whether in matters of morality or any other subject, is probable precisely because the mind has some doubt (i.e., is not **certain**) about the truth to which it assents.

2. The doubt that enters into the act of conscience may regard either the existence of a **law** or the existence of some other **fact** and may be either—

1) Positive—in which there are **grave** reasons for doubting; that is, there are **good** grounds for assenting to either side. It is of **such positively** doubtful judgments that we speak when we use the term "Doubtful"; or

2) Negative—in which there are few or no reasons for doubting; that is, there is no good ground for assenting to any but one side.

In this case the probability of the opposite (to the proposition assented to) is so slight that the judgment made is said to be

Prudentially certain, i.e., a judgment made because of a reason (motive) solid enough to justify a normally prudent man in acting in a matter of recognized importance.

(Cf. Thesis 5, page 10—Definition of **humanly** invincible ignorance.)

C) divided as to the habitual disposition of one's intellect towards the perception of the morality of actions:

Scrupulous is a conscience inclined to judge the presence of moral evil where such does not exist, and to make such judgments for very slight reasons.

Tender is a conscience inclined to advert correctly to the very smallest elements of moral evil.

Lax is a conscience inclined to judge the absence of obligation for trifling or insufficient reasons.

PROOFS

Part I. A CORRECT CONSCIENCE IS TO BE OBEYED WHEN IT IS PRUDENTIALLY CERTAIN.

A prudentially certain conscience is nothing else than the moral law promulgated and applied to an individual action.

But the moral law is to be obeyed. *Therefore.*

Major: Clear from theses on moral law and its promulgation to man through the light of reason.

Minor: Clear from theses on Obligation and Law.

Part II. AN INVINCIBLY ERRONEOUS CONSCIENCE IS TO BE OBEYED WHEN PRUDENTIALLY CERTAIN.

The sole guide given by nature to man's free will must be obeyed by that will.

But an invincibly erroneous conscience, when prudentially certain is, for the action in question, the sole guide given by nature to man's free will. *Therefore.*

Major: Evident; for to refuse obedience is to act against nature, i.e., do moral wrong.

Minor: For the prudentially certain judgment of a man's intellect is the only certainty that can be had ordinarily in the individual affairs of practical life; and when such a judgment is erroneous, the error cannot be detected by the man, and therefore cannot be distinguished from a real promulgation of objective law.

Part III. IT IS UNLAWFUL TO ACT WITH A DOUBTFUL CONSCIENCE.

It is unlawful (intrinsically morally evil) to expose oneself knowingly and without good reason to the danger of violating the law.

But to act with a doubtful conscience is to so expose oneself. *Therefore.*

Major: Evident; for to do so is to show oneself indifferent as to the observance of law; it is to show oneself in no serious way determined to avoid violations of law even in so far as one can do so without unreasonable difficulty—for if the difficulty involved were serious, then it could not be said to be "without good reason" that the danger was run.

But indifference as to observance or violation of law on the part of the subject of a law is certainly not in harmony with the nature of that subject, and, therefore, is morally evil.

Minor: For to act with such a conscience is—

1) evidently to act with knowledge that one may be about to violate a law and
2) to act so without good reason, since such a doubt (Positive doubt) can be gotten rid of, if not by further direct investigation, at least by use of some reflex principle, as we shall prove in next thesis.

COROLLARY

Since it is morally good and, therefore, **Right** (Cf. Thesis 16) to obey a prudentially certain conscience, whether this be correct or invincibly erroneous, it is easy to understand why many authors speak of these two kinds of conscience as "Right Conscience," and apply the term "Wrong Conscience" only to the vincibly erroneous.

THESIS 25

In cases of doubt which cannot be solved directly, a prudentially certain conscience may be formed by the use of reflex principles.

INTRODUCTION

We have seen that a man may never act while his conscience is in doubt as to the moral goodness of the action contemplated. As often, therefore, as conscience gives no clear, positive answer to this question of morality, there can be no lawful action. What is then to be done if such perplexity cannot be removed and if decision seems imperative or at least very desirable?

A man's hesitation is sometimes subjective and peculiar to himself. It may turn on a matter of fact, which others know full well, though he doubts; or on a point of law, dark to him, but clearly determined by the consent of the learned. In such cases it is evidently a duty to seek information from others, taking as much trouble to procure it as the importance of the matter seems to warrant in the eyes of a normally prudent and responsible man. But it may be that all due inquiries fail. The fact remains obscure; or about the law teachers differ and arguments conflict indecisively. What then is to be done?

Such doubts persisting after proper investigation may be of two kinds:

1) the doubt regards the **means necessary** for fulfilling the law or of **safeguarding** the **rights** of others.
2) the doubt regards the **existence of the law** or the comprehension of the individual case under the law, and neither alternative of conduct imperils the certain rights of others.

This thesis gives an answer to the question, "How shall a doubt of conscience be solved," and in doing so necessarily deals separately with each of these two kinds of doubt.

EXPOSITION

DIRECTLY SOLVED: that is, by the application of direct knowledge such as he would have who had a perfect discernment of all the facts of the case as they objectively exist

and of all the laws that might enter into the case and of the full and accurate application of all these laws to the facts. To one with such knowledge there never could persist any doubt; for there is no such thing as anything objectively doubtful; everything in point of fact is or is not. But neither is there any human mind so perfect that it will always grasp the objective order of things as it is and grasp it firmly and to the exclusion of all doubts.

It is of doubts, therefore, that cannot be solved by this direct investigation of the facts and the law that we say in this thesis that we may and should have recourse to

REFLEX PRINCIPLES: that is, principles or truths of conduct that have application precisely in these circumstances in which **direct** knowledge of the right or wrong cannot be obtained. By such principles a man judges his own act, as he is here and now affected and conditioned by the imperfections of his own knowledge. The use of these reflex principles leaves the direct speculative doubt still unsolved, it makes no attempt to determine what he should do who had a thorough insight into the facts and laws as they are in themselves. But it does, as we shall see, by a process of reflexion afford the prudential certitude necessary and sufficient to make action lawful.

QUESTION: What are these reflex principles?

ANSWER: A—With regard to first type of doubt—

all are in agreement that it can and should be resolved into a certain judgment by having recourse to the reflex principle:

"In such a doubt the safer part is to be chosen."

That is to say, all agree that, since the law evidently exists and so obliges us to action or omission as the case may be, we are just as evidently obliged to take the means within our power that are more likely to fulfill that obligation, and thus escape the danger of harming another's certain and recognized rights. As an example of the application of this principle to a case of doubt, imagine a man about to shoot at an object just as the doubt occurs to him "is the object a brute animal as he first

thought or a fellow man?" There is here no question of a doubtful law. The law binding one not to harm another is clear. But since there is a doubt here and now as to whether the act of shooting is going to harm another or not, there is, in consequence, a doubt as to whether there exists any obligation here and now to abstain from shooting. Supposing this doubt cannot be solved directly by further investigation of the facts of the case, then the following argumentation must be employed to afford the certitude of conscience which is requisite before deliberate action is taken:

> In doubt as to means to be employed to fulfill a certain obligation of law and safeguard a certain right of another fellow man, the safer means are to be chosen.
>
> *But* here and now such a doubt exists.
>
> *Therefore*, here and now the safer means are to be chosen. In the present case, shooting must be avoided.

In this argumentation the Major is self-evident. Not to choose the safer part under such circumstances would be to show oneself indifferent as to the fulfillment of a certain obligation and careless regarding the certain rights of others. The Minor is merely a statement of the fact supposed to exist. And from certain premises such as these, the conclusion drawn is evidently a certain proposition.

B—With regard to second type of doubt—

there are at least six different schools of thought, each with its own reflex principle to offer as the means to be used in resolving the doubt and arriving at a certain judgment of conscience. They are as follows:

1) RIGORISM—"Law obliges unless its non-existence is certain."

   (In other words, "Keep the law unless the argument for liberty is certain.")

2) TUTIORISM—"Law obliges unless its non-existence is most probable."

   (In other words, "Keep the law unless the argument for liberty is most probable.")

3) **PROBABILIORISM** — "Law obliges unless its non-existence is **more probable** than its existence."

(In other words, "Keep the law unless the argument for liberty is **more probable** than the argument for obligation.")

4) **EQUI-PROBABILISM**—"Law obliges unless its non-existence is at least **equally as probable** as its existence."

(In other words, "Keep the law unless the argument for liberty is at least **equally probable** as the argument for obligation.")

5) **PROBABILISM**—"Law obliges only when its existence is certain." Or, to use the more familiar formula, "**A doubtful law does not oblige.**"

(In other words, "Keep the law when the argument for its existence leaves no grounds for reasonable doubt as to that existence. When, however, the argument for liberty (i.e., the non-existence of law and its obligation) is **solidly probable**, then there is no law and no obligation.")

6) **LAXISM**—"Law does not oblige whenever there is the **slightest** reason to doubt its existence."

(In other words, "Keep the law unless the argument for liberty has **some** probability, **no matter how slight and trifling.**"

PROOFS

N.B.—The proof of this thesis really consists in establishing the validity and necessity of the two reflex principles as means of affording a certain conscience when used in cases of the two kinds of doubt spoken of:

"In doubt, the safer part is to be chosen."

"A doubtful law does not oblige."

Part I. IN DIRECT DOUBT REGARDING THE MEANS OF FULFILLING A CERTAINLY EXISTING OBLIGATION OR SAFEGUARDING CERTAINLY EXISTING RIGHTS, THE REFLEX PRINCIPLE IS TO BE USED, "**In doubt, the safer part is to be chosen.**"

In such a doubt this reflex principle is to be used if only by use of it can moral evil be certainly avoided.

But in such a doubt only by use of this principle can moral evil be avoided. *Therefore.*

Major: Clear upon inspection; for moral evil must certainly be avoided, and so the one possible means of avoiding it must be used.

Minor: Since the supposition is that the law certainly exists and, therefore, that there is certainly an obligation, it is clear that a man is obliged to take the means within his power which he knows will fulfill this obligation.

But only by placing or refraining from action which is sure to mean the observance or violation of the law will he be taking such means. *Therefore.*

Part II. IN DIRECT DOUBT REGARDING THE EXISTENCE OF A LAW, THE REFLEX PRINCIPLE MAY BE USED, **"A doubtful law does not oblige."**

A.—(**POSITIVELY** — Establishing the truth of Probabilism.)

In such a doubt this reflex principle may be used if by the use of it moral evil can be certainly avoided.

But in such a doubt by the use of this principle moral evil can be certainly avoided. *Therefore.*

Major: Evident.

Minor: In such a doubt moral evil can be certainly avoided by the use of this principle, if the principle be true.

But the principle is true. *Therefore.*

Major: For in such a doubt the only thing needed to remove the danger of moral evil in acting is to establish the non-existence of obligation coming from law. And this is established by invoking this principle, if the principle is true.

Minor:

1) A doubtful law is a law not sufficiently promulgated.

But a law not sufficiently promulgated does not oblige. *Therefore.*

Major: Promulgation means the making known of a law as here and now obligatory. But a doubtful law means just the opposite, viz., that here and now it is not known as obligatory, but merely thought that it **may be** obligatory.

Minor: Promulgation, as we have seen, is of the essence of a law that is actually binding; in no other way can the will of a subject be bound than by having the law-maker's will applied to it as obligatory, and such application can take place only through promulgation, which is certain knowledge.

2) Obligation is a necessity, known by reason, of positing or omitting an act which has an intrinsic connection or opposition with an ultimate end and an absolute good, imposed by one having authority.

But a doubtful law cannot impose **such** a necessity. *Therefore.*

Major: Definition of obligation.

Minor: A doubtful law is one of whose obligation (necessity) one prudently doubts.

But obligation (necessity) prudently doubted of is not obligation (necessity) **known** by reason.
Therefore, a doubtful law (so-called) is one whose obligation is not known; and this means whose obligation (so-called) is **no** obligation at all.

Minor: For to know the **necessity** of a thing is to know the thing **is such and cannot be otherwise.** And to know that a thing is such and cannot be otherwise is to know **with certainty** (free from all mere probability) and not with doubt.

B.—**(NEGATIVELY** — Rejecting the other theories proposed.)

a) **Rigorism, Tutiorism, Probabiliorism and Equiprobabilism.**

These theories are all to be rejected, if Equi-probabilism is to be rejected.

But Equi-probabilism is to be rejected. *Therefore.*

Major: For the other three demand more than Equi-probabilism demands.

Minor: That theory is to be rejected, if the arguments advanced to establish it are unsound.

But such is the case. *Therefore.*

> **Minor:** The argument advanced to prove that at least equal probability must be had in favor of freedom as in favor of law has value either because this equal probability renders the law's existence doubtful and so destroys its binding power, or because in the presence of equally valid arguments for liberty the opposite arguments (supposed to be equally valid) for obligation lose their value.
>
> *But* both of these reasons are unsound. *Therefore.*
>
> > **Minor:** If the first reason be appealed to then the same contention must be admitted to be valid for the theory of the probabilist also. That is to say, if the probability that destroys the certainty of the law's existence is what robs the law of its binding force, then this binding force is equally effectively destroyed whenever the probability in favor of liberty is solid, though not equal to the probability in favor of obligation. And this is precisely the contention of the probabilist when he says, "A doubtful law does not oblige."
> >
> > If the second reason be appealed to, the answer is evidently this: good solid arguments in favor of one of two contradictory propositions never lose their value as arguments, no matter how great the probability of the opposite side becomes.

b) **Laxism.**

That theory is to be rejected which justifies the performance of an action without a prudentially certain conscience.

But Laxism is such. *Therefore.*

Major: An evident consequence of the preceding thesis.

Minor: The performance of an action, the lawfulness of which we prudently doubt, is the performance of an action without a prudentially certain conscience.

But Laxism justifies such an action. *Therefore.*

Minor: Laxism justifies an action for the lawfulness of which one has a merely trifling argument.

COROLLARIES

I. In the light of this vindication of, not only the reasonableness, but the necessity of admitting Probabilism as the one proper system of solving an otherwise doubtful state of conscience, it is well to note that the name given to the second of the above-enumerated theories, namely, Tutiorism, is used by us only because it is the accepted title of that school of thought; our use of this name is by no means to be considered as an admission that the reflex principle offered by the followers of that system affords any greater "safety" or assurance against the danger of moral evil than is afforded by our principle and the solution of a doubtful conscience arrived at by the use of our principle. Our contention is that by the use of our principle we are **absolutely safe** from all danger of such moral evil; for by means of this principle we establish with certainty that there is in cases of such direct doubt **no law** and where there is no law there can be **absolutely no danger** of violating a law.

II. When there is a question of the rights of another or when there is a question of an end which must be absolutely attained, there is no room for the application of Probabilism. For there is a law which strictly prohibits me to jeopardize the rights of another or to jeopardize the attainment of an end which must be absolutely attained. In this case, the safer course must be followed.

But when there is no question of the rights of another or no question of an end which must be absolutely attained and the only question at stake is concerning the liceity or illiceity of the act, then there is room for the application of Probabilism.

SCHOLION

As an example of the use of the reflex principle offered by the Probabilist, we may suppose a man in doubt as to the existence or meaning of a law affecting a "Copyright." If due investigation fails to remove the doubt, he may then argue as follows:

A doubtful law does not oblige me (to act or refrain from action.)
But here and now the law in question is doubtful.
Therefore, here and now I am not obliged (to act or refrain from action.)

VII. SUBJECTIVE RIGHT

THESIS 26

Right, subjectively considered, or the moral inviolable power to do or hold or exact, is derived from man's obligation to observe the moral law. True rights, therefore, exist independently of any positive law.

INTRODUCTION

It has been proved that as a rational creature man is obliged by moral law of God to realize in his volitional actions that ideal of conduct which is in reality the perfection of his own created nature in so far as that nature is itself an imitation and reflexion of God's own infinitely perfect nature. As this obligation is natural, man must evidently receive **from nature** the means necessary to fulfill it. Chief among these means there must be—

1) the power sufficient to restrain others from such interference with his free activity as would make it impossible or unreasonably difficult for man to direct himself to the realization of this ultimate well-being to which he is destined; and

2) the power sufficient to obtain and hold and use for himself whatever is required in this process of living according to the moral law.

Now it is clear that nature has not given the individual human being **physical** power sufficient to restrain the encroachments of others' physical forces upon his requisite freedom of development. She must, therefore, have given him some **other kind of power** whereby this same restraint can be effected. And the only other power conceivable is the power of influencing the wills of other men so that these may be led to determine themselves freely not to interfere with this requisite freedom. And the only way that such influence can be brought to bear upon free wills is by the proposal to the intellects of the agents in question of a motive that will serve to induce such self-determined restraint. And a power that is exercised thus upon free wills through intellectual knowledge is rightly called a **moral power.**

Such a moral power to do certain things, or to hold or possess certain things as one's own, or to exact certain things from others is thus seen to be a power which is inviolable (i.e., commands and deserves to receive respect) by force of the obligatory ideal of conduct which we have called objective right. (Cf. Thesis 16, p. 125.) *In consequence, it is easily understood why this subjective moral power is also called "right."*

The purpose of the present thesis is merely to put into technical form the above explanation and prove that such moral powers do exist and have their source or origin in the natural moral law.

EXPOSITION

POWER: (frequently called "faculty") is a native capacity of some kind. There are two kinds of power:

> **PHYSICAL power**—i.e., the physical strength requisite to secure a certain end.
>
> **MORAL power** — a power which operates by its appeal to another's will through knowledge.

INVIOLABLE—i.e., a right puts a bond upon the free wills of others of such a nature that it cannot be broken without violation of natural law. By this bond others are morally constrained—

1) not to impede the possessor of the right in any use of his free will permitted or commanded by the natural law; and
2) to grant him everything which the natural law makes it lawful or obligatory for him to demand.

TO DO: i.e., the matter of a right is frequently a personal act to be posited or omitted by the possessor of the right.

TO HOLD: i.e., the matter of right is frequently some good, internal or external, of body or of soul.

TO EXACT: i.e., the matter of a right is frequently an act to be posited or omitted by another.

DERIVED FROM: i.e., has its source or origin in, is based or grounded on.

TRUE RIGHTS: i.e., such moral inviolable powers as described above exist in reality, not merely in name.

INDEPENDENTLY OF: i.e., antecedently to the free act of any law-maker, human or Divine, such rights exist and so do not derive their effectiveness (their power of binding the wills of others) from any positive law, but solely from the natural law. SUCH rights are, therefore, properly called:

NATURAL RIGHTS: i.e., rights conferred by and grounded on the natural law—to distinguish them from

POSITIVE RIGHTS: i.e., rights which may be conferred by and grounded on positive law.

We do not deny in this thesis that there may be or that there are such things as positive rights; we say nothing at all about this point, though it is clear enough that, for the same reason that positive law is a necessity, positive rights may also be necessary. What we do say in this thesis is simply that, as a necessary consequence of his obligation to observe the moral law, man has, by gift of nature, certain moral powers, no less than he has certain physical powers, and that these powers are such that they cannot be resisted or overlooked by others except at the cost of a violation of this same moral law.

The two parts of the thesis are really different forms of stating the same thing and either or both of them might be enunciated as follows:

TRUE NATURAL RIGHTS EXIST.

PROOFS

Part I.

Subjective right is derived from man's obligation to observe the moral law, if without subjective right man could not fulfill that obligation.

But without subjective right man could not fulfill that obligation. *Therefore.*

Major: Evident; for God, the author of the obligation of moral law, cannot fail to give man the means necessary to fulfill that obligation.

Minor: That obligation really means the duty to perfect his rational nature. But this duty evidently cannot be performed unless man has, in addition to his physical powers, a moral power of constraining the wills of others

to respect not only the natural independence and rational dignity (essential equality) of his own person, but also his use of those things which he has made (without, of course, violating the equally sacred rights of others) his own to be used as means to this end to which he is obliged.

Part II.

A.—True rights exist independently of any positive law, if they are necessary means to the observance of the natural law.

But they are. *Therefore.*

Major: Evident from the considerations mentioned above.

Minor: Also evident from above discussion.

B.—Natural rights exist independently of any positive law if natural rights are the foundation of all positive rights.

But natural rights are the foundation of all positive rights. *Therefore,* natural rights exist independently of any positive law.

Major: Evident; for no one denies the existence of positive rights.

Minor: Civil society, when it passes its first law, ought to have the right of passing laws and imposing obligations. Where does civil authority get this right of imposing obligations? If the answer be from a compact, I ask again, where does this compact derive its binding force? Why am I bound to abide by this compact? If you do not admit the principle of the natural law—"compacts must be observed"—a true valid contract among men is impossible. If you say that this compact derives its power of binding from custom and the consent of mankind, I ask again, where does this custom or consent of mankind derive its binding force? Finally, you must fall back on the principle of the natural law, "compacts must be observed." But this duty to observe compacts connotes the right of exacting from my fellow man the observance of such compacts.

SCHOLIA

I. Practically all of the foregoing explanation and argumentation is well summed up in this excerpt from the *Digests:*

"To have a right it is necessary to have:

a) appetencies which indicate to us the proximate END of our faculties and the ultimate end of our natures;

b) the power of directing our appetencies, as we judge best, to the attaining of our GOOD, i.e., not license to do as we please, but liberty to choose as we please what is for our good;

c) the MORAL OBLIGATION of directing appetitive tendency to the end and the good; a creature morally free to abuse or use his function could not have a moral power that others are bound to respect. Every right, therefore, is in its last analysis the moral inviolable liberty of doing, holding or exacting something which is mediately or immediately for the rational well-being of the subject; hence, it is derived from man's moral responsibility to use appetencies implanted in his nature, in so far as their use is directly or indirectly under his control, for the purpose of realizing his proximate ends and the ultimate end of his creation. An infant has rights in the same sense that it has intellect and free will."

"Hence right is not derived:

a) from the mere possession of superior physical power (Hobbes);

b) from personal liberty considered in itself (Neo-Kantianism);

c) from primary sensuous appetencies through evolution; and is not resolvable into two elements, one POSITIVE, by which man recognizes his claim to the unimpeded satisfaction of his appetencies, the other NEGATIVE by which he is conscious of limitations imposed on him by the like claims of others (Spencer)."

"Hence, prior to every right is duty, general or special; and prior to every duty is God's right to the ultimate purpose of creation."—Pps. 51-52.

II. The important truth stated in the last paragraph of the above extract may be profitably amplified as follows:

All rights come from LAW and they come from LAW because it places a DUTY on the subject. But the fundamental law from which all other laws derive their force and efficacy is the Natural Law. Now the Law-giver of the Natural Law is God, who has the RIGHT to man's obedience. **Immediately** consequent upon this right of God is DUTY in man. Hence, prior to every right in a man is his duty, general or particular, and prior to every duty is God's right to the ultimate purpose of creation and to the submission and service of mankind.

THESIS 27

The subject of a right can be only a person, the matter of a right can never be a person and in the concrete every right is proximately actuated by some fact called a title.

INTRODUCTION

This thesis deals with what are called the correlatives or components of right. They are four in number, three of them being the subject, foundation and term of the relation which really constitutes a right, and the fourth, the object-party on whom the moral restraint, spoken of in the previous thesis, is imposed by the right itself.

Of the object-party we shall treat in a later thesis, since it is a subject that demands special and separate attention. Here it is sufficient to note that this object-party of a right is some person, physical or moral, on whom a duty is imposed because of another's right.

EXPOSITION

SUBJECT: The one who possesses the moral power. **This is the subject of the relation.**

PERSON: A singular, complete substance which is intellectual and self-possessed, i.e., *sui juris,* or not united to another being by whom it is possessed.

N.B.—A person may be—

1) "**Natural,** i.e., such as the God of nature formed us;
2) **Artificial,** i.e., such as are created and devised by human laws for the purposes of society and government."—Blackstone, *Commentaries,* p. 123.

Such artificial persons are also called "moral," "conventional," "juristic," "juristical."

MATTER of right: is that which one may do or hold or exact. **This is the term of the relation.**

IN THE CONCRETE: That is to say, looking at each individual right as it here and now becomes the possession of some particular person. This view of a right is distin-

guished from the abstract consideration of the origin of right in general. This we have already proved to be found in some **law** and **ultimately** always in the natural law.

PROXIMATELY ACTUATED: That is to say, the proximate and immediate **cause** of the actual existence of the right here and now; the proximate and immediate cause why **this particular** person has **this particular** right to do or hold or exact **this particular** thing.

FACT: Either the fact of **existence** on the part of the subject of the right (in the case, as we shall see, of **connatural** rights); or some other contingent, historical fact, whether individual or social, involving for the most part some exercise of man's activity (in the case, as we shall see, of **acquired** rights). **This is the foundation of the relation.**

TITLE: Therefore, is defined as the particular fact because of which this particular concrete right actually exists **(is actuated)** here and now.

In the light of these definitions and explanations, the meaning of the third part of our thesis is clear. It is this: Whereas it is proved in the preceding thesis that law and law alone has the power of conferring a right upon any person, it is here to be proved that no law can actually exercise this power unless there be in the subject (person), on whom the right is to be conferred, some reason or cause why this power should be exercised in his regard; this reason or cause is in every case, according to our contention, some fact, and this fact is called a TITLE of the right.

We can express this thought in another way. The relation which constitutes a right is a real connection between the person possessing the right and the matter (whether thing to be done, thing to be held or thing to be exacted) of the right; this connection can be established only by some law, but no law can establish it between any particular person and any particular thing unless, as a **fact**, the person at least exists. This fact of existence is, therefore, the foundation of the relation which constitutes **connatural** rights. As a foundation of **acquired** rights, other facts are necessary.

N.B.—Care must be had not to confuse this use of the term "foundation" as applied to the title of a right, with the use sometimes made of the same word to ex-

press the ground or origin of the right. The ground or origin we have seen is always a law. Some authors speak of the law as the **ultimate foundation** and of the fact which is the title as the **proximate foundation.** In the foregoing explanation the term is used in the ordinary technical sense assigned it in our Ontology, namely, to signify "that **in the subject of a relation** which is the reason why the subject is capable of being referred to the term of the relation."

PROOFS

Part I. THE SUBJECT OF A RIGHT CAN BE ONLY A PERSON.

The subject of a right must be one bound by obligation.

But only a person can be bound by obligation. *Therefore.*

Major: Clear from previous thesis.

Minor: Evident from nature of obligation and definition of person.

Part II. THE MATTER OF A RIGHT CAN NEVER BE A PERSON.

The matter of a right is that which, precisely because of the right, is subordinated to the personal interests of the one who has the right.

But a person can never be subordinated to the personal interests of another. *Therefore.*

Major: Clear from the explanation and proof of previous thesis; the very existence of rights can be vindicated only by showing that there is a natural necessity for each individual person to have the moral power to subordinate certain things to his own personal self-protection and development.

Minor: Clear from the essential equality of all persons and their consequent essentially equal obligations to secure their own well-being. To be a person and not merely a thing includes this very notion that **as a person** one cannot be made a **mere means** to another's good.

Part III. IN THE CONCRETE, EVERY RIGHT IS PROXIMATELY ACTUATED BY SOME FACT CALLED A TITLE.

In the concrete, every right is proximately actuated by some fact, if, even admitting the existence of a law capable of establishing a right, some fact is necessary for the actual existence of a right in the concrete.

But this condition is true. *Therefore.*

Major: Evident; for nothing can actually exist without that which is necessary for actual existence.

Minor: Clear from explanation given in the exposition of the thesis; for not even the natural law establishes of itself the actual connection or relation of moral power between any particular person and any particular thing. For such an actual connection the fact of the person's existence at least is necessary, and for many rights other facts supervening upon a person's existence are necessary.

COROLLARIES

I. From the proof of the first part of this thesis it becomes clearer what is the full meaning of the phrase *sui juris*, or self-possessed in the definition of person—at least as applied to man. We say as applied to man because what follows cannot be said without some qualification of other persons, whether natural moral persons—the family and State, of which we will treat in the Ethics of Society—or of artificial persons mentioned when we explained the term in the exposition of the thesis.

By *sui juris*, therefore, we mean—

1) that man has the physical ability to act for himself and to use his powers consciously for his own ends;

2) that man has the moral power to dispose of himself freely in any way not forbidden by the law of God;

> "Man is made his own master by free will and therefore man may lawfully dispose himself in things which relate to this life, which is ruled by the free will of man."—St. Thomas, 2, 2, 64, 5 ad 3.

3) that man is by nature not a mere means subordinated to the interests of another;

4) that man has by nature all irrational things subordinated to his interest.

Rickaby well says that a **person** is a being whom we call **autocentric** as distinguished from a **thing** which is **heterocentric.** A person is his own, a thing is another's.—*Moral Philosophy,* pt. 2, ch. 2, sect. 1, p. 203.

II. "When a right or duty is said to be attached to an 'estate' or a 'thing,' if we examine these cases more attentively we shall find that there is some person, natural or artificial, actually possessing or about to possess, to whom this right or duty belongs and that these expressions are only used to indicate the extent of the right or duty and how it is transferred."—Markby, *Elements of Law,* 139.

III. Animals, therefore, have no rights, though man has duties **towards** animals based on duties towards himself. For example, if I put a horse's eye out, I am under no obligation to make any amends to the horse. Yet, I am in duty bound to my own self not to brutalize my own nature by such cruel treatment of animals—(Cf. Spalding, *Introduction to Social Service,* pp. 74-76.)

IV. Though we have proved that a person can never be the **matter** of a right, it is by no means true to say that the **actions of a person** cannot be such matter; in fact we shall later prove that such actions are the very duties imposed on some persons by the rights of others.

SCHOLION

With the foregoing definitions of the correlatives or components of right in mind, the following further divisions of rights will be clear.

RIGHTS ARE DIVIDED:

1) **According to SUBJECT:**

Public—A right which inheres in the State or its governmental agents or in private persons as against the State or its agents.

Private—A right which resides in private persons and is assertable only against other private individuals.

2) **According to MATTER:**

Real, (*Jus in re*)—a right in or over **one's own** object.

Personal (*Jus ad rem*)—A right to demand of another that something may become one's own.

3) According to TITLE:

Connatural—A right which one possesses from birth independently of any human conditions, e.g., Right to Life.

All **connatural** rights are **natural.**

Acquired—A right which one possesses because of some contingent historical fact, e.g., Right to hold **this** piece of property.

Acquired rights may be **acquired natural** rights or **acquired positive** rights.

N.B.—Connatural rights are also called by the older writers **absolute** rights, and acquired rights, **relative** rights.

4) According to TRANSFERABILITY:

Inalienable—A right which may not be renounced or transferred to another, e.g., the Right to life.

Alienable—A right which may be renounced or transferred to another, e.g., the Right to external personal liberty.

N.B.—1) The reason why a right is inalienable is because it is based on a DUTY which must be fulfilled that a man may live up to the essential requirements of his nature.

2) Though one may not transfer an inalienable right, one may for sufficient reason transfer the EXERCISE of such a right to another.

5) According to RELATION TO PHYSICAL FORCE:

Perfect—A right which includes the right of coaction, i.e., the Right to use physical force, e.g., Right to life, to just compensation.

Imperfect—A right which does not include the right to use coaction or physical force, e.g., my Right to have another tell me the truth, to have the gratitude of another.

N.B.—There is a great deal of variance in the use of the terms "perfect" and "imperfect" as applied to right. We shall use the terms in the sense above-defined, and, because of the importance of a proper understanding of this division of Rights, we shall next treat of it in a special thesis.

THESIS 28

While neither coactivity nor coaction constitute the essence of a right, still coactivity is an essential property of some rights. The exercise of coactivity even in rights that spring from commutative justice, ought to be entrusted normally to the civil government.

EXPOSITION

COACTIVITY: is the MORAL power of using physical force, where necessary, to protect one's right, i.e., to obtain the effect intended by nature in bestowing that right.

COACTION: is the exercise of THIS moral power, viz., coactivity.

ESSENCE: that by which a thing is that which it is. Therefore, the essence of right is that by which a right is a right, namely, a moral power of the kind described in previous theses.

ESSENTIAL PROPERTY: a quality which does not enter into the constitution of the essence of a thing, but which cannot be absent from that essence.

SOME RIGHTS: that is to say, we do not claim coactivity as an essential property of right in general, therefore of each and every right. We concede that there are some rights to which this property is not essential.

To denote the difference between rights which have this essential property and others which have not, we use the terms "Perfect" and "Imperfect" as defined in the previous thesis. And though, as we have stated, a great deal of variation exists as to the meaning attached by different authors to these terms, we shall use them only in this technical sense, **without implying** in the least any inequality of the moral inviolability of the two classes of rights or insinuating that whereas one would do moral wrong in violating a **perfect** right, he would do no moral wrong in offending against an **imperfect** right.

However, it may be said that there is such a difference between these two kinds of rights — a difference based, not upon the presence or absence of the quality of coactivity, but upon something in their very nature that gives rise to this presence or absence. Rights which have this quality and so are called **perfect** are RIGHTS **in the fullest and strictest sense of the word.** Such are those rights which one has to things connected with one's person in such a peculiarly intimate way that their entire usefulness is at one's own disposal to the exclusion of all others (excepting, of course, God and His absolute supreme claims made through just law). They are rights to such things as are MINE in the strictest sense of the word as opposed to YOURS. For example:

1) My human life is mine by identity with my person— **TITLE IS EXISTENCE.**
2) Parts of my body are mine by substantial union with me—**TITLE IS EXISTENCE** as an integrally complete being.
3) Good health and knowledge are mine by accidental union—**TITLE IS CARE AND WORK.**
4) My money, house, books, etc., are mine — **TITLES ARE PURCHASE DONATION, ETC.**

EXERCISE OF COACTIVITY: that is, the actual use of physical force, or as we have called it, COACTION itself.

EVEN: this implies that, whereas all perfect (coactive) rights have their origin in JUSTICE, there are different classes of these same rights according to their origin either in Commutative or other kinds of justice. An adequate treatment of this point involves a discussion of the whole subject of Justice and, since justice is what is called a VIRTUE, the whole subject of virtue. Such a discussion we must reserve for a later thesis. We introduce here only what is necessary for the understanding of the present thesis. Therefore:

JUSTICE: the constant and abiding disposition and determination of the will to give each one his due.

N.B.—Such abiding internal principle of right action is known as a VIRTUE. Hence Justice is a virtue.

"From the ethical standpoint, virtue is a habit that a man has got of doing moral good, or doing that which befits his rational nature to do; vice is a habit of doing moral evil."—Rickaby, *Moral Philosophy,* pt. I, ch. V, sect. II, No. 1.

"The proper object of justice in its place among virtues is to direct a man in his dealings with **another.** For justice involves a certain equality, as the name itself shows; for the things that are equalized are said to be **adjusted** (*justari*); and equality is a relation of one thing **with another.** Other virtues perfect a man only in what is his own private concern. They regard the agent and the agent exclusively, in the rectitude of conduct which they determine and aim at as their object; but justice fixes its rectitude of conduct in reference to some one else—even passing over the agent. That is called **just** in our doings which is in some sort of equality corresponding to something else, as in the instance of wages corresponding to work done."—St. Thomas Aquinas, 2, 2, 57, 1. Cited by Rickaby, *Aquinas Ethicus,* II, pp. 7, 8.

N.B.—This aspect of equality is well expressed in the current phrases: "I'll get square with you"; "Now we're square"; "That isn't square."

"The fundamental notion of Justice in some sort of equality. Equality presupposes **two** terms, **physically distinct,** or capable of existing separately, one from the other."—Rickaby, *Moral Philosophy,* pt. I, ch. V, sect. IX, No. 1.

Hence, where there is lack of "otherness," there can be no justice—e.g., strictly I cannot be just to myself.

Since justice has for its function to bring about this equality of correct relations between man and man, the various relations to be observed give rise to various divisions of justice. Therefore:

COMMUTATIVE Justice: is the constant and abiding disposition and determination of the will of the **individual** to give each other **individual** his due.

DISTRIBUTIVE Justice: is the constant and abiding disposition and determination of the will of the **State** to give each **citizen** his due.

N.B.—By "the State" we mean the community as a whole, functioning through its authorized officials.

SOCIAL (or LEGAL) Justice: is the constant and abiding disposition and determination of the **citizen** to give the **State** its due.

N.B.—This is called **social justice** because it looks to the adjustment of the subject's actions with a view to the **common** or **social** good. It is called **legal** justice because it is fulfilled by observance of the laws (*leges*).

That there **ought** to be in every man such a disposition as that which is called COMMUTATIVE Justice is very evident from the theses on the Norm of Morality and the Existence of the Natural Law.

That there **ought** to be such dispositions, as here spoken of, on the part of the citizen and the State towards each other can be only presupposed at present, as a truth to be convincingly established in the Ethics of Society. It will be there proved that the State is **natural** to man, and therefore, **these forms** of Justice are **also** based upon the demands of Natural Law.

The implication, therefore, of the word "even," in the enunciation of the present thesis, is that there are **not only** coactive rights which spring from **Commutative** Justice, but also those that spring from **Social Justice.**

N.B.—From the examination to be made in the Ethics of Society of the nature of **Distributive** Justice it will be evident that no such rights can have **their origin in this kind of Justice.**

With regard to these two classes of Coactive Rights, the following points of difference should be noted:

1) **in respect of matter.**

Rights from commutative justice regard the good of the individual;

Rights from social justice regard the good of the community.

2) **in respect of reparation** of violation.

Commutative justice demands the reparation of the injury inflicted.

N.B.—It is here that the important question of RESTITUTION enters.

Social justice does not demand the reparation of injury inflicted, since such reparation is in the nature of the case impossible. That is so, because all that can be done in the line of social justice, even after a violation of the same, is just what would have been obligatory, if there had been no violation. However, a penalty for such violation is possible and in accord with right and justice. The imposition of such a penalty belongs to Distributive Justice and the obligation of undergoing it does not exist antecedently to the sentence of the State, speaking through its proper officials.

While it is clear that, in the case of coactive rights springing from **Social** Justice, the exercise of coactivity as well as the right to such exercise belongs exclusively to the State, the contention made in the last part of the present thesis is not so immediately evident, namely, **that** in the case of coactive rights springing from Commutative Justice, the exercise of coactivity—**not coactivity itself**—belongs primarily to the head of the community of which the subject of the perfect right is a member, and secondarily only, when the community fails to afford protection and the invasion of right is imminent, to the subject of the right. Hence, the need of an explicit proof of this proposition.

NORMALLY: i.e., in ordinary circumstances and under ordinary conditions. The exceptional conditions provided for by this qualifying adverb are those in which the right in question must be defended or vindicated **at once** if at all and appeal cannot be made then and there to the officers of the government.

CIVIL GOVERNMENT: that is, the organ of the authority of the State (civil society). This authority, as we shall learn in the Ethics of Society, is the right which the State possesses to "effectively direct its individual members to the attainment of the proper and special end for which the State exists."

PROOFS

Part I. COACTIVITY DOES NOT CONSTITUTE THE ESSENCE OF A RIGHT.

1) Coactivity does not constitute the essence of a right, if there are rights which of their nature cannot be subject to the compulsion of physical force.

But there are such rights. *Therefore.*

Major: Evident; for coactivity means the right to use physical force as a means to compel others to respect one's rights.

Minor: For example, the right each man has from his relation of essential equality with fellow man, not to be thought ill of by another unless he gives ground for such unfavorable judgment.

2) Coactivity does not constitute the essence of a right, if from its own very nature, it presupposes a right already existing antecedently to itself.

But this is so. *Therefore.*

Major: Evident.

Minor: Of its nature, coactivity is the right to use force in defense of a right; therefore, it presupposes a right already existing.

Part II. COACTION DOES NOT CONSTITUTE THE ESSENCE OF A RIGHT.

Coaction does not constitute the essence of a right, if coaction is the exercise of a **physical** power.

But it is. *Therefore.*

Major: For right is a **moral** power.

Minor: Clear from its definition.

Part III. COACTIVITY IS AN ESSENTIAL PROPERTY OF SOME RIGHTS.

That is, an essential property of perfect rights without which the purpose intended by nature in granting those rights cannot be attained.

But without coactivity, the purpose intended by nature in granting perfect rights cannot be attained. *Therefore.*

Major: Evident from notion of essential property.

Minor: Purpose intended by nature in granting these rights is that each one be free and independent in possessing and using things in the way suited to lead him to his last end. But in view of the selfishness and malice of men, such freedom and independence would commonly enough be unattainable, unless it were permitted, i.e., unless men had moral power (right), to use physical force in

the exercise, defense and reparation of their rights. For, take away this moral power, and the good, those who in obedience to conscience and natural law will do nothing that they have no right to, will be at the mercy of the wicked.

Part IV. THE EXERCISE OF COACTIVITY, EVEN IN RIGHTS THAT SPRING FROM COMMUTATIVE JUSTICE, OUGHT TO BE ENTRUSTED NORMALLY TO THE CIVIL GOVERNMENT.

The exercise of coactivity, even in rights that spring from commutative justice, ought to be entrusted normally to civil government, if civil government and only civil government has normally the **natural** duty of protecting such rights.

But this condition is true. *Therefore.*

Major: Clear; for we use the word "natural" here in the sense that it is in accord with the norm of morality.

Minor: To be proved in the Ethics of Society. There it shall be shown that the protection of these natural rights of men is the immediate though, of course, not the sole and adequate purpose for which the State (civil society) exists.

SCHOLIA

I. Notice that our thesis does not say that COACTION is an essential property of any right; on the contrary, it is quite clear that we may have a right in the fullest and strictest sense of the word without using physical force to protect it.

Nor does it say that the PHYSICAL POWER of using force is an essential property. We may have a right in all its essential completeness, and, therefore, full MORAL POWER to use physical force, even though, by accident, we be completely deprived of the physical power itself.

II. As to the actual use of physical force in defense of perfect rights, it is clear that such cannot be legitimate unless:

1) It be necessary either to restrain another from inflicting an injury or to force him to repair an injury already done, and
2) Unless the physical force used be **not out of proportion** to said necessity of defense or reparation. That is, the **harm** inflicted by physical violence must not be greater than the harm caused by the violation of right.

THESIS 29

To every person's subjective right there corresponds in some other person a duty.

EXPOSITION

CORRESPONDS: that is, the right in question is the **proximate cause** of the existence of some duty in another person.

DUTY: an obligation to do, yield or omit something.

From what was stated in the previous thesis to the effect that there is in the case of every **right** an **object-party,** namely, a person (for evidently none but a person can be spoken of in this way) present or future, on whom the moral restraint, inherent in a right, is exercised, it is clear that the obligation which we call duty is nothing else than this restraint placed on one by the right of another as a cause.

DUTY IS DIVIDED:

A.—**into NEGATIVE,** i.e., an obligation not to interfere with another. Such a duty implies **mere restraint.**

AFFIRMATIVE, i.e., an obligation to help another in some way. Such a duty implies **constraint.**

Affirmative duties are:

1) **Merely Ethical,** if the obligation arises from a virtue other than justice.
2) **Juridical,** if the obligation arises from commutative or social justice.

In other words, to every juridical duty of one person, there responds a perfect right in another person, and the latter is the immediate ground of the former.

N.B.—It is important to note here also, as we noted in the case of the division of Right into Perfect and Imperfect, that this latter division does

not mean that juridical duties are more binding and consequently more sacred than ethical duties. It merely designates the source of obligation and implicates method of redress, i.e., by restitution.

B.—into **NATURAL**, i.e., an obligation that is imposed directly by the **natural** law.

POSITIVE, i.e., an obligation that is imposed directly by a **positive** law.

PROOF

TO EVERY PERSON'S SUBJECTIVE RIGHT THERE CORRESPONDS IN SOME OTHER PERSON A DUTY.

To every person's subjective right there corresponds in some other person a duty, if the inviolability of the moral power called right could not be had without the existence of such a duty in another.

But this is so. *Therefore.*

Major: for inviolability is essential to the moral power called right.

Minor: this inviolability consists exactly in the fact that the right puts a bond on another's will, binding that other at least not to interfere with the possessor of the right in the matter of that right; such a bond on the will of another is exactly what we have defined as duty.

N.B.—That this other must be a **person** is evident for the same reason as that given in the case of the subject of a right, namely, that only an intellectual agent can be capable of a moral power or a moral necessity.

THESIS 30

A true conflict of concrete rights or duties is impossible, and in seeming conflict the stronger right or duty prevails.

EXPOSITION

CONFLICT OF RIGHTS: a state wherein at one and the same time:

1) one person is possessed of the moral power to do a certain thing and another is possessed of the moral power to prevent his doing it; or
2) two persons have a moral power to hold or exact for themselves the same thing.

CONFLICT OF DUTIES: a state wherein at one and the same time:

1) one and the same person is obliged to two different and contradictory lines of conduct; or
2) two persons have obligations, the fulfillment of which would mean the violation of one another's essential rights.

CONCRETE: that is, as rights and duties **really exist** and belong to some definite subject (person). This word in the thesis indicates that it is not to be denied that, looking at things in the abstract, these conflicts may arise.

STRONGER RIGHT: as every right is based on a prior duty in the subject of that right, its extension is necessarily limited by that duty; hence, that will be the stronger right in a case of apparent conflict which springs from a higher or more imperative duty.

STRONGER DUTY: as every duty is the effect of some law obliging the subject of that duty, the strength and extent of the duty must be measured by the importance and ground of the law from which it has its existence; hence, that will be the stronger duty in the case of an apparent conflict which is based on the superior law, thus explained.

PROOFS

Part I. A TRUE CONFLICT OF CONCRETE RIGHTS OR DUTIES IS IMPOSSIBLE.

A true conflict of concrete rights or duties is impossible, if such a conflict would argue a contradiction in the natural law.

But such a conflict would argue a contradiction in the natural law. *Therefore.*

Major: For this would argue in turn an imperfection in God, the author of the natural law.

Minor:

A.—With regard to RIGHTS.

A true conflict of rights would mean that at one and the same time one man has an inviolable moral power to hold or claim something as his own so that all others would be doing moral wrong in depriving him of that thing, and another man has an equally inviolable moral power to hold or claim that same thing for himself without being guilty of any moral wrong. But this would clearly be a case of contradiction and in the supposition that both so-called rights were real, genuine rights, this contradiction would be based on the natural law, from which all real rights ultimately spring.

B.—With regard to DUTIES.

A true conflict of duties would mean that a person has an obligation to place or refrain from placing a certain action and at the same time an obligation not to place or not to refrain from that same action. Such would be a clear case of contradiction and in the supposition that both so-called duties were real, genuine duties, this contradiction would be based on the natural law, from which all real duties ultimately spring.

Part II. IN SEEMING CONFLICT, THE STRONGER RIGHT OR DUTY PREVAILS.

In a seeming conflict of rights or duties, that right or duty prevails which is more necessary for the observance of moral law.

But the stronger right or duty is more necessary for the observance of moral law. *Therefore.*

Major: Evident, for all duties are merely particular obligations of the moral law, and all rights are granted merely to enable man to fulfill the demands of the moral law.

Minor: Clear from definition of **stronger** right and duty.

SCHOLIA

I. The following brief treatment of what is called the LIMITATION of right will throw further light on the question of apparent conflict of rights:

Limitation means that one right can limit the exercise of another, that in the exercise of a right we are not free to disregard the counterclaims of others. Just as the functions of one part of an organism limit the functions of others—that is, as no part should be exercised prejudicially to the others—so due regard must be had in exercising any right, or in following any law, to the whole system of rights and laws that regulate human conduct. Thus, the law which gives a man power to keep for himself what he produces is limited and conditioned by other laws, such as the law of charity, which binds a man to help his neighbor. Also, the right of one man to liberty in the use of his faculties is limited by the right of another man to the same. The extent of a man's rights depends largely upon this property of limitation.

II. In the same way the following additional notions will help to a better understanding of the apparent conflict of duties:

Negative duties never appear to conflict with negative, because negative duties call for an omission of the act, and many such omissions can be had at the same time. Conflicts may seem to arise only in the case of **affirmative** duties with **affirmative,** e.g., charity to neighbor and fidelity to oath in court or **affirmative with negative,** e.g., charity to neighbor and duty not to steal.

The practical rule is, **the superior law prevails.** A superior law is one—

a) that is **more necessary** for the **common good**; hence, **negative** prevails over **affirmative**, e.g., duty to avoid a lie over duty of charity; **universal** over **particular**, e.g., class duties over duties of debating society; **juridical** over **merely ethical**;

b) that concerns **superior matter**; hence, duties to soul before body; duties to life before those that concern our conditions in life;

c) that concerns **superior person**; hence, duties to God before man.

THESIS 31

The juridical order is a part of the moral order.

INTRODUCTION

Kant, Thomasius, and some other ethicians maintain that right does not depend on morality, that right and morality have different objects and a different origin, the one (Right) originating in the law of the State, the other (Morals) in the natural moral law; the one appertaining to external action, the other to internal motive; that, consequently, there is a well-marked and an absolute cleavage between right and morals. To this we reply that rights are essentially dependent on morality. For right depends on natural law, which is the basis of morality. Besides, in no sense can I be said to have a right, e.g., to keep money, except it be understood that other men are under an obligation not to take it from me. But obligation belongs to morality. Consequently, right, if it be independent of moral law, is illusory and without meaning.

EXPOSITION

JURIDICAL ORDER: by this we mean the collection of perfect rights, juridical duties and the laws which are the source and origin of such rights and duties (called, therefore, at times "juridical laws.")

MORAL ORDER: by this we mean that objective order which arises out of the very nature of man as God has constituted it and is proposed by man's reason to his will as an order to be preserved and not disturbed by his volitional actions.

PROOF

The moral order includes everything that goes to make man's acts morally good, i.e., conformable to his rational nature. *But* many such things are elements of the Juridical Order. *Therefore.*

Major: Clear from definitions of moral order and morally good acts.

Minor: The duty of giving to everyone his own, or observing contracts, are Moral duties, and at the same time Juridical duties, even according to Kant, for they are necessary for the existence of civil society, i.e., external liberty.

SCHOLION

Nothing is morally good which is repugnant to the Juridical Order, for it is repugnant to Justice, but the converse does not hold, because other virtues may be involved besides justice.

WHAT IS REPUGNANT TO JURIDICAL ORDER IS NOT MORALLY GOOD.

This is correct, for what is thus repugnant violates justice, a virtue of the Moral Order.

The converse proposition runs:

WHAT IS MORALLY GOOD IS IN KEEPING WITH THE JURIDICAL ORDER.

This is not necessarily true, for an act of charity, or patience, etc., is morally good, but has no contact with the Juridical Order (the order of Justice alone) at all.

VIII. CHARACTER

THESIS 32

Character is an integration of habits of conduct superimposed on temperament. It is morally perfect when it results from the combined and harmonized virtues which determine our ethical and juridical duties to God, and our neighbor, and in respect to self.

INTRODUCTION

In our previous theses we have established the general principles of morally good or right living. In this thesis we point out the result of living according to those principles; the result is a morally perfect character. Character has been well defined as "Life dominated by principles" — that is, thoughts, words, actions, guided and ruled by those great standards of living that flow from all our essential relations, to self, to our neighbor, and to God.

N.B.—This thesis hardly admits of a formal proof. It needs merely to be explained to have its truth appear.

EXPOSITION

CHARACTER: Etymologically the word means a significant mark stamped or cut on a hard material.

Thence it was applied to a combination of qualities distinguishing one individual or group of individuals from others. The notion, therefore, varies with the science that employs it.

Ethically it means the sum of moral traits or qualities which distinguish a person or class of persons from others, and by reason of which they receive a special moral designation.

The qualities which individuate personality coalesce in two syntheses: **TEMPERAMENT** due to **NATURE** and **CHARACTER** due to **NURTURE**.

TEMPERAMENT: is the fusion of the various dispositions of our composite nature into a resultant disposition of the whole man.

DISPOSITION is a native bent towards action of a certain kind, and capacity for a certain form or development. In a secondary sense, it is a tendency that has been awakened by previous workings of bent, without, however, giving formed capacity; so understood, it is the initial factor of **habit** in formation.

HABIT: is a quality superinduced in a faculty by repeated performance of its functions, giving an IMPULSE to and an EASE in the exercise of these functions.

Therefore, **habits** and **dispositions** differ; for: Dispositions are **congenital** and **plastic**, i.e., receptive of form through use, and liable to degeneracy from disuse.

Habits are **acquired** and **stable**, i.e., once fixed can be thrown off only by the continued exercise of contrary acts.

OF CONDUCT: Habits of our rational nature are of two kinds:

1) **Habits of Thought**, i.e., of intellect. These invigorate intellectual dispositions and determine them in a particular direction, and are the products of disposition and training.
2) **Habits of Conduct**, i.e., of will. These, which may be either good or bad, confer impulse and ease in the active determination of the will to appropriate ends, and are the product of will freely exercised on disposition, thought, emotion and action.

N.B.—**Morally good habits** thus prompting to right action, which is another way of saying the performance of duty, are called **virtues.**

Morally bad habits, in like manner, prompting to wrong action, which is another way of saying the violation of duty, are called **vices.**

What dispositions are to temperament, habits of conduct are to character. As the mental constitution due to the fusion of the former is temperament, so the blending of the latter into an unitary principle is character.

Character, therefore, is an integration of habits of conduct superimposed on temperament.

The question now arises: "When is our character morally perfect?"

The thesis answers:

When it results from good habits of conduct or virtues, combined and harmonized, which prompt a man to abide by his duties both merely ethical and juridical—

1) to God;
2) to his Neighbor;
3) in respect to Self.

DUTIES: Recall here a summary of what has been established in previous theses concerning **Duty:**

A.—The term duty is used in two senses:

1) In a comprehensive sense to signify moral necessity of any kind, and in this sense it is the immediate effect of **Objective** right;
2) in a restricted sense to signify the moral necessity of doing something in favor of another, and in this sense it is the immediate effect of **a Subjective** right.

B.—All duty in this last analysis is the duty of obeying the Supreme Legislator.

C.—Duties regard different object-parties, though the object-party is always a person, namely, an intelligent being. We have duties **concerning** inanimate or animate beings; and, as they rise in the grade of being, our duties **concerning** them become more intensive, but we have no duties **to** them. Now, intellectual beings are in two categories, created and increated being; and created being are either self or others. The object-parties of duties, therefore, are God, self and our neighbor.

D.—Duties are **NATURAL** or **POSITIVE**; are **AFFIRMATIVE** or **NEGATIVE**; are **MERELY ETHICAL** or **JURIDICAL** also. The former in the last division is based on charity and the allied virtues, and the latter on justice.

TO GOD: In relation to God, virtues determine the attitude of intellect and will, which man should hold to Him both inwardly and outwardly. The virtues which fundamen-

tally secure this are those by which he is prompted to seek knowledge of God and give Him intellectual submission, to love Him above all things, and to desire final union with Him. These comprise Wisdom, Faith, Charity, Hope. To these must be added the Virtue of Religion, by which man is prompted to worship and honor Him because of His infinite excellence, absolute dominion and supreme good.

TO NEIGHBOR: In relation to Neighbor, individually or collectively, the virtues of the morally perfect character will be Benevolence and Justice, by which the will is prompted to wish others well and to render to everyone his own.

JUSTICE is a virtue residing in the will, prompting that power constantly to render unto everyone his own —the constant will to give to everyone his due. It is, therefore, a special virtue, and its special subject-matter is our exterior acts in relation to other people. Its end is to secure right social relations between one person and another. It resides in the rational appetite or will, for its end is not knowledge, but action—the just man is one who gives what is due, not one who merely knows what is due.

The notion of justice is founded in the objective order of rights and duties. There is a parallel between physical order preserved by the balance of physical forces, and the moral order preserved by the "adjustment" of moral powers. As the equilibrium of the forces of nature is essential to the physical stability of the universe, so the equilibrium of the juridical order, through proximate or final "adjustment," is essential to justice. The equilibrium of rights that justice aims to preserve or restore entails an equality between men that is REAL and PERSONAL; but not quantitative. As in the physical order, equilibrium is preserved not by each body having mathematically equal powers, but by each having its own; so in the juridical order, equilibrium is preserved not by all persons having the same rights, but by each having his own inviolate. REAL equality in justice does not require that each should possess the same goods, but that they should be secure in the possession or use of those to which they have a right. PERSONAL equality does not consist in the possession of equal mental

or bodily qualities, but in a juridical independence with regard to rights conferred by nature.

JUSTICE is divided into:

a) SOCIAL or LEGAL, between the Individual and the State—the Duty is in the Individual Subject to perform what by natural or State law is for common good. The Right is in the State.

b) DISTRIBUTIVE, between the State and the Individual Citizen—the Duty is in the State to distribute social burdens and benefits in proportional equality, e.g., taxes. The Right is in the Individual as a citizen.

c) COMMUTATIVE, between private individuals. The Duty is in each man towards his Fellowman to render to him what is his private, exclusive property. The Right is also in each man as a man.

IN RESPECT OF SELF: the virtues of the morally perfect character will be—

1) PRUDENCE, which gives a readiness and ease in the right use of practical reason;

2) TEMPERANCE, which moderates the passions that allure to sensuous delights;

3) FORTITUDE, which controls the passions that arouse fear or impel to rashness in the presence of impending loss or threatening danger.

PRUDENCE is a virtue of the practical reason which enables us readily to discern in concrete circumstances what the moral order demands of us, i.e., readily to know in particular circumstances what is morally good and to be done, what is morally bad and therefore to be avoided. Prudence resides in the intellect, not in the will, for its acts are intellectual acts. By Prudence we enquire about, examine or judge, and direct ourselves to the adoption of the proper means to an end desired, and since these are all acts of the intellect, Prudence is a virtue of the intellect—that is, of the practical intellect, since it appertains to action or ends.

TEMPERANCE is a virtue residing in the **concupiscible appetite** as trained by the will, whereby sense is rendered readily obedient to the will and kept within the bounds prescribed by Reason as necessary to the co-ordination and subordination of the various faculties. Every restraint of passion within its due limits is an act of temperance. Hence, it moderates our desires and our search for pleasure and inclines us to a life according to Reason. It finds its special exercise in moderating gross sensual pleasures.

FORTITUDE is a virtue residing in the **irascible appetite** as subject to the will which braces the soul courageously to go forward and not to shrink at the view of obstacles and difficulties that have to be met and overcome in the pursuit of good and the avoidance of evil. It makes us prompt and ready, in accordance with the rules of prudence, to face dangers and patiently to endure hardships.

Our morally perfect character, then, will have all the virtues which relate to God, to Self, and to the Neighbor, all these and the virtues that are intrinsically allied to them, as Abstinence, Sobriety, Chastity, Humility, Meekness, Modesty, Magnanimity, Patience, Obedience, Truthfulness, etc., etc. A character so constituted is conformed to rational nature in all its essential relations, and is, therefore, **a morally perfect character.**

SCHOLION

Because of the importance of the subject, the following more detailed treatment of **Virtue** and **Vice** in general is added:

In order that a man be simply good it is not enough that he perform good actions occasionally and at irregular intervals; he must persistently tend to and aim at what is right and good; to do what is right at all times and under all circumstances must be, as it were, his second nature. Now, the permanent and constant direction and inclination to the good is called virtue. It is virtue that gives to the moral conduct of man that moderation, evenness, proportion and consistency which befits him as a rational being, makes him

always prompt and ready to act aright and confers upon him facility and ease in acting aright. Although, therefore, individual good actions are possible without virtue, these actions receive from virtue a greater perfection and a higher moral worth.

The notions of virtue and of vice fall under the more general notion of "habit." In its widest meaning "habit" is any quality in an object which increases or diminishes its perfection. Thus, beauty, strength, virtue are habits. Also ugliness, weakness, vice. In this wide sense habits are divided into **operative** and **entitative**—the first class comprises those habits that perfect or impair a thing in its powers; the second class, those that perfect or impair the substance of a thing. Thus, beauty is an entitative habit. Virtue is an operative habit. Now, since Ethics has principally to do with action or conduct, we are here interested in operative habits only. In this sense, habit, properly defined, is "any quality whereby an agent who is by nature indifferent to a certain course of action or to the opposite course comes to be permanently inclined to one course rather than to another," or "a quality superinduced in a faculty by repeated performance of its functions, giving an impulse to, and a facility in the exercise of these functions." In its strict sense, therefore, the word habit is used to express facility, readiness, promptness, ease, together with the constant inclination, which any given power or faculty may possess of performing a given act. It is not the same as power. For one may possess the power of doing a certain act, and yet not have the habit of doing it. In fact, a power may be so far from the condition called habit that it may not be in the condition to be used for even a single act.

As the second of the definitions given above indicates, a habit is formed and acquired by acts, i.e., by a sufficiently frequent repetition of the same act.

"A habit is a living thing: it grows and must be fed. It grows on acts, and acts are the food that sustain it. Unexercised, a habit pines away: corruption sets in and disintegration. A man, we say, has a habit of thinking of God during his work. He gives over doing so. That means that he either takes to thinking of everything and nothing, or he takes up some definite line of thought to the exclusion of God. Either way there is a new formation to the gradual ruin of the old habit."—Rickaby, *Moral Philosophy*, Part I, chap. 5, sec. 1.

Habits of our rational nature are of two kinds: habits of **thought**, i.e., of intellect, and habits of conduct, i.e., of will.

The former determine intellectual disposition in a particular direction, and are the products of disposition and training. The latter confer impulse and ease in the active determination of the will to appropriate ends and are the products of will freely exercised on disposition, thought, emotion and action. Habits of conduct may be good or bad. In Ethics we are concerned with habits of conduct only. Good habits of conduct, or rather habits of good conduct, are called virtues; habits of bad conduct are called vices.

Virtue may be defined as "a perfection by which the will is constantly inclined to good actions," or "the permanent inclination and ease to perform morally good actions." It is, therefore, a habit that a man has of doing moral good, or doing that which befits his rational nature to do. Vice is the opposite of virtue and is defined as "an imperfection of the will constantly inclining it to bad actions," or "a moral habit inclining one to an act that is morally bad." As virtue is formed by frequent repetition of the same good act, so vice is in like manner formed by frequent repetition of the same bad act. And as virtue, by giving man a permanent direction to and effecting morally good conduct, becomes a habit with him, makes him good himself, so vice, by giving man a permanent direction to and effecting morally bad conduct, becomes habitual to him, makes him in the full sense and simply bad. When we say that vice inclines man to what is evil, we must remember that the will cannot tend to and seek evil as such, but only under the appearance of good. Hence, vice, too, always inclines the will to some apparent good, but to a partial good which is out of accord with rational human nature as such, and hence in reality bad.

From what has been already said it is clear that the immediate subject of virtues and vices (we speak here of moral virtues and vices only) is the will. For moral virtues and vices are the result of repeated good or bad actions. Now, acts of the will alone are morally good or bad in the strict sense. The acts of the other faculties are morally good or bad only in so far as they are performed at the command and under the control of the will. This does not deny, however, that the habits of the other faculties may form an essential part of moral virtues. But the moral character of these latter habits is derived from the fact that they are under the guidance and direction of will.

"It is important to observe that virtue and vice are not acts, but habits. Vices do not make a man guilty, nor do virtues make him innocent. A man is guilty or innocent according to his acts, not according to his habit. A man may do a wicked thing and not be vicious, or a good action and not be virtuous. But no man is vicious who has not done one, two, aye, many wicked things; and to be virtuous, a man must have performed many acts of virtue. Children do right and wrong, but they have neither virtues nor vices except in a nascent state: there has not yet been time in them for the habits to be formed. When sin is taken away by God and pardoned, the vice, that is, the evil habit, if any such existed before, still remains, and constitutes a danger for the future. The habit can only be overcome by watchfulness and a long continuance of contrary acts. But vice is not sin, nor sin vice, nor a good deed a virtue."—Rickaby, *Moral Philosophy,* Part I., chap. 5, sec. 2.

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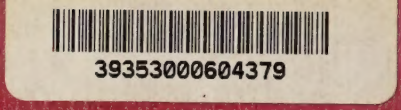
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